

Delegated Report		Analysis sheet		Expiry Date:		25/01/2021	
(Members Briefing)		N/A		Consultation Expiry Date:		08/02/2021	
Officer				Application Number(s)			
Angela Ryan				2020/5572/P			
Application Address				Drawing Numbers			
292-294 Kilburn High Road London NW6 2DB				Refer to draft Decision Notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Installation of a bi -folding door, including a Juliet balcony at rear ground floor level and erection of a first-floor rear extension (Part Retrospective) in association with the community centre use							
Recommendation(s):		Grant with warning of enforcement action					
Application Type:		Full Planning Permission					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	1	No. of responses	24	No. of objections	12
Summary of consultation responses:			No. Electronic	24		
<p>A site notice was displayed on 15/01/2021 and expired on 08/02/2021.</p> <p>12 x objections was received from the occupiers of 18 Sidney Boyd Court, West End Lane; Lower Flat, 20 Kylemore Road, NW6; 8D Fawley Road, West Hampstead, 11 Linstead Street, London NW6 2HB; 7 Iverson Road, London NW6 2QT; 1 Espalier Gardens, London NW6 2DG; 296 Kilburn High Road; 11 Kylemore Road, London NW6 2PS; Ground Floor Flat, 101 Fordwych Road, plus 2 x unknown.</p> <p>1 x comment was also received from the occupier of 327 St james Mansions, West End Lane, NW6.</p> <p>A summary of the various representations is below.</p> <p><u>Objections:</u></p> <p>General:</p> <ul style="list-style-type: none"> - Concerned that work had already started, Officer response: Refer to section 1(background) of this report - Executing works under subterfuge of Covid and holiday absence of neighbours Officers response: Construction works were permitted to continue during lockdown by the Government providing they were carried out in line with Public England (PHE) and industry guidance - It has encroached onto the park and should not be used for private organisations. Officer's response: The works that form part of the application are within the red line of the application site and do not project outside of the red line boundary. - If works have already started, then the application should be rejected. Officer's response: Building works that require planning permission are assessed against the Council's Local Plan policies and planning guidance. If works start before the relevant permission is in place they can still be assessed retrospectively. - Applicant has flaunted rules, which have been carefully worked out and are there to serve the whole community Officer's response: Building works that require planning permission are assessed against the Council's Local Plan policies and planning guidance. If works start before the relevant permission is in place they can still be assessed retrospectively. - Retrospective planning permission should never be granted Officer's response: Building works that require planning permission are 						

assessed against the Council's Local Plan policies and planning guidance. If works start before the relevant permission is in place they can still be assessed retrospectively.

- Boundary wall removed without planning permission, extending the footprint of the building

Officer's response: *The removal of a boundary wall does not in itself require planning permission. Any replacement boundary treatment may require planning permission and would be assessed accordingly.*

- If they need more space, they should rent a larger building

Officer's response: *The space requirements of the applicant is not a material planning consideration*

- Intensification of use would put strain on existing old and outdated electricity and water infrastructure

Officer's response: *Any electrical wiring and water infrastructure would be assessed as part of any Building Control application*

- Presenting established use as a D1 school and community centre use

Officer's response: *Our records indicate that the established use of the building is for a community use. The plans submitted indicates that the property is to be used as a community centre/mosque which falls within the new F.1 use class and would therefore be lawful. A school would also fall within the same use class and therefore would also be a lawful use of the site.*

Building control issues:

- Subsidence affecting party walls
- Alleged damage to no 296 Kilburn High Road
- Ignore the Party Wall Act 1996
- Quality of construction particularly foundations is atrocious
- Object to increased loading of the buildings
- Original buildings were of poor construction

Officer's response:

The objections expressed above are outside the remit of planning control and are dealt with under separate legislation. Documentation has been submitted to the Council's Building Control Service regarding the alterations to the internal layout of the ground and upper floors of the building.

Health and safety

- Area of land is for a fire escape to ensure the safety of people using the building
- Breach of Health and safety
- Badly put together and looks dangerously unstable

Officer's response:

The site has historically had means of escape located to the rear of the site which accesses out onto the park, however, during the course of this application the fire door has now been proposed to be fixed shut. Parks Management has raised a concern in respect to granting a fire escape license, as in the event of fire, occupants of the building would have to have access across the pitches that are currently fenced off. Issues concerning structural stability are best dealt with under separate legislation (Building Control Regulations)

Planning:

- Building owner not being notified

Officer's response: *The applicant has signed certificate A of the Ownership Certificates and Agricultural Land Declaration that states that the applicant is the owner.*

- A change of use has occurred without the benefit of planning permission

- **Officer's response:** *See background section of the assessment section*

- Drawings are incorrect

Officer's response: *Revised plans have since been submitted to show the correct rear elevations/floor plans.*

- Application does not contain a front elevation that has been significantly altered

- **Officer's response:** *This application is for alterations and extensions to the rear of the property. It is therefore not a requirement to submit a front elevation as part of the assessment of this application*

- Consideration should be given to signage

- **Officer's response:** *This application is for alterations and extensions to the rear of the property. It is therefore not a requirement to submit details of signage as part of the assessment of this application*

- Recessed frontage not in line with Camden's planning guidance

- **Officer's response:** *This application is for alterations and extensions to the rear of the property. Alterations to the front of the property that require planning permission would be dealt with under a separate planning applications*

- Lack of space of bike and storage refuse

Officer's response: *The building is not a new build or is not a conversion to a new use therefore issues such as new cycle storage and refuse storage are not applicable in this instance.*

- Potentially setting a precedent for people living on Webheath Estate to do the same

- **Officer's response:** *Each planning application is considered on its individual merits therefore any future applications submitted for proposed openings to the rear elevation of buildings along this terrace of buildings will be duly assessed.*

Amenity:

- Potential noise nuisance
- Visible from most areas in the park and is an eyesore
- Overlooking onto the park

Officer's response: (see section 4 of this report)

Design:

- The extension is ugly and not in keeping with the surrounding buildings
- Materials used are inappropriate
- Rear elevation should be fully reinstated to full height brick wall with a solid fire door
- Appropriate access provided for old and disabled people onto Kilburn High Road
- A lift should be provided to enable step free access to all users
- First floor extension acceptable but not with French doors
- Accessibility to top floors has not been significantly improved
- Roof overhanging park by approximately 30cm which would prevent any structure to be built in the park against this wall

Officer's response: The application is for alterations to an existing property and the provision of a lift is not required. See section 3 of this report for full assessment of design.

Biodiversity:

- Development affecting wildlife and natural habitat
- Two trees felled without consultation, which belonged to the public realm as part of the park
-

Officer's response: (See paragraph 3.9 of this report)

Letters of Support:

- Space usage is maximised.
- The building was in need of a more functional layout.
- Having a large hall to the rear with natural light is a necessity and will bring life to the ground floor.
- Centre has never encroached onto park and have never had access into the park
- Concerns with the build should be dealt with by building control
- Issues relating to trees should be dealt with through Park Management or Kilburn Grange park
- The development brings character to a building that looked almost derelict
- The building will benefit from a large modernised window
- Design and layout make perfect sense
- The properties at the rear of Kilburn Grange park have been modernised, development would coincide with the same aesthetics
- Idea links well with the idea of new stairs which has been designed and built old staircase was a hazard
- 1st floor extension is absolutely necessary
- Full width extension should be encouraged for a community space with huge demands

	<ul style="list-style-type: none"> - Neighbours on either side have full width extension - There is a humongous development overlooking Grange park which enhances this part of town - There should be fairness and the same rule applied to all people - Works will benefit users - Centre is trying to increase the female capacity
<p>West Hampstead Gardens & Resident's Association:</p>	<p>West Hampstead Gardens & Resident's Association:</p> <p>The development is clumsy. Without planning permission the centre has trespassed into the park, cut down two trees, raised a fence and began to develop the ground floor as a patio with large doors leading out to the back which encroached a park property which is covenanted to the wider community.</p> <p>The makeshift double extension on the upper floors uses poor materials and is out of keeping with the rear elevations along the block. The pre-emptive build disrupts the balance of the facades and harms the amenity to the park as it can be seen from almost every corner of the space</p> <p>Supportive comments are inaccurate, and the development crosses the park boundary and for their own benefit have exploited their proximity to the park and other users enjoyment of it</p> <p>The retrospective application does not redeem material harm and circumvention of planning rules.</p> <p>Request for construction to be removed and the trees felled reinstated as well as the fence marking where park property begins agreed with Camden parks and enforcement.</p> <p>Officer's response: (See section 1 (Background) and section 2 (Proposal) and paragraph 3.9 (Trees) in this report)</p>

Site Description

The property comprises a 4-storey terraced red brick- built building that was built in the early 1900's with a traditional façade of no significant architectural merit. The site is located on the east-side of Kilburn High Road and lies within a terrace of similar buildings where there is typically commercial uses on the ground floor with a mixture of commercial/residential uses located on the upper floors. The rear of the site overlooks Kilburn Grange Park, which is a designated open space in the Local Plan and has a football pitch adjacent to the application site.

The site is within a designated town centre location and also in Camden's second largest town centre. The site also lies within the Kilburn Neighbourhood Forum.

The building is not listed, and the site is not located in a conservation area.

The Council's records indicate that the building was in use as a community centre. The site has been occupied by Qalam Education Centre since before 2014. The Qalam is a registered UK charity that works within the Muslim community of Camden. Prior to this use the site was occupied by Accord Community Project Centre that provided family support for parents and children. In the event that the site is to be used as a school then this would fall within the new use Class F.1. As a community centre and a school would fall within the same use class it would not constitute development to move between these two uses.

Relevant Planning History:

APPLICATION SITE

292-294 Kilburn High Road:

There is no relevant history in relation to rear extensions.

Relevant Enforcement History:

22/09/2020- complaint received in respect to rebuilding of rear extension and installation of full width glass sliding doors in rear ground floor boundary to enable access to Kilburn Grange Park. A formal enforcement notice was issued on 4th December 2020. The planning application currently being considered was submitted in response to the above. The works were undertaken without the benefit of planning permission hence are currently unauthorised. The enforcement case is still under investigation (Ref: EN20/0754)

The notice requires that within 3 months of it taking effect the Owner should:

Remove the full height, openable, glazed doors from the rear and reinstate the previous brick wall in old London stock bricks and single door to match the original boundary wall and door.

In the event that planning permission is granted this would supersede the requirement in the notice.

12/10/2020- complaint submitted in respect to a change of use. This enforcement case is still under investigation. (Ref: EN20/0808). It should be noted that a community centre use and use as a school falls within the same use class and it is permitted to change between the two uses.

29/10/2020- complaint received in respect to the erection of full width extensions at rear, first and second floor levels. A formal enforcement notice was issued on 4th December 2020 and is currently subject to an appeal. The 1st floor rear extension forms part of the consideration for the current application being considered. These works were undertaken without the benefit of planning permission and are therefore currently deemed to be unauthorised works. This enforcement case is still under investigation. (Ref: EN20/0889)

The notice requires that within 3 months of it taking effect the Owner should:

1. Completely remove the full width extension from the rear elevation at first and second floor levels and reinstate the rear elevation in old London stock bricks and fenestration in the original position, materials and design to match the existing rear elevation; and

2. Remove all resulting debris from the land.

In the event that planning permission is granted then this would supersede the requirement for the first-floor element of the rear extension to be removed. As the second-storey element does not form part of the consideration for this current application, and as such, this element would be subject to the requirements set out in the notice should the current appeal be dismissed.

18/11/2020- complaint received for the installation of new shopfront. The enforcement case is still under investigation as the works were carried out without the benefit of planning permission and therefore the works are currently deemed to be unauthorised works (Ref: EN20/0984)

NEIGHBOURING SITES

286-290 Kilburn High Road:

15/06/2017- planning permission **granted** subject to a S106 Agreement for the erection of rear extensions at 1st & 2nd floor levels to increase the size of 4 x flats (previously approved under ref: 2015/4791/P) to provide 1 x 1 bedroom unit and 3 x 2 bedroom units; alterations to rear fenestration; and shopfront alterations. (Ref: 2017/2125/P)

Relevant policies

National Planning Policy Framework 2019:

Paras 11,124, 127, 128 & 130

London Plan 2021:

Policy D4

Camden Local Plan Policies:

A1- Managing the impact of development

D1- Design

C6-Access for all

A2- Open Space

A3- Biodiversity

Camden Planning Guidance:

Design CPG (2021):

Chapters, 1, 2 and 5

Assessment

Assessment:

1.0 BACKGROUND

1.1 The existing building is currently used as a mosque/community centre. Concerns have been raised by local residents about the use of the site. The site has been occupied by Qalam Education Centre since before 2014. The Qalam is a registered UK charity that works within the Muslim community of Camden. Prior to this use the site was occupied by Accord Community Project Centre that provided family support for parents and children.

1.2 Building works have started on site to construct a 1st and 2nd floor extension at the rear. Works to this element of the proposal has ceased due to enforcement action being undertaken. A notice in respect to these full width extensions at first and second floor level was issued on 4 December 2020. The notice required the complete removal of the fullwidth extensions from the rear elevation at first and second floor levels and reinstate the rear elevation in old London stock bricks and fenestration in the original position, materials and design to match the existing rear elevation and to remove all resulting debris from the land. The notice is currently subject to an appeal. The 1st floor rear extension that forms part of the consideration for this application is currently incomplete as it is subject to enforcement action. The development proposal differs from that which is currently subject to enforcement action as it does not include the 2-storey element of the rear extension. The large opening proposed in the rear elevation of the rear extension has also been reduced in size to include a sliding sash door. A Juliet balcony is also propose to be installed in front of the bi-folding doors to reflect those that have been installed on nearby buildings at 284-290 Kilburn High Road and to be more in keeping with the existing townscape.

1.3 The full width bi-fold doors that forms part of the consideration for this application is also subject to enforcement. A notice was issued on 4th December 2020. The notice requires removal of the full height, openable, glazed doors from the rear and to reinstate the previous brick wall in old London stock bricks and single door to match the original boundary wall and door. The bi-fold door is now proposed to be kept fixed-shut with a Juliet balcony incorporated in order to hinder access out into the open space that lies directly outside.

2.0 PROPOSAL

2.1 The proposal is for the retention of full width glass and aluminium bi-fold doors that have been installed on the rear elevation of the property at ground floor level. The glazing is proposed to be of obscured glass up to 2.2m high to alleviate issues of overlooking into the park. There is a fire escape door at rear ground floor level that has historically been in the location for a number of years and is proposed to be retained and fixed shut. A full width Juliet balcony is proposed to be installed across the rear elevation to hinder access out into the open space that lies directly outside the bi-fold doors. The application also seeks to retain a single-storey rear extension at first floor level, which has not yet been completed, due to enforcement action.

2.2 The works to the rear including the replacement doors on the ground floor rear extension fall within the red line of the application site and would not encroach onto the park. Parks Management have been consulted and raise no objections to the proposal. Subject to the developer gaining local stakeholder support, Parks Management would be willing to consider developing a licence for a community managed garden at the rear of the site as this could be good use of an otherwise inaccessible area.

2.4 During the course of the application the proposal has been revised to include:

- A Juliet balcony to be installed along the entire width in front of the bi-fold doors at rear ground floor level in order to prevent access into the park area;
- The bi-fold doors and fire door will be fixed shut;
- Large French doors omitted from the rear elevation of the first floor rear extension and replaced with a smaller aluminium sliding door.

3.0 Assessment:

3.1 The main planning considerations in the assessment of this application are:

- Design
- Amenity

Design:

First Floor rear extension:

3.2 The first-floor rear extension is not yet completed and is not considered out of keeping with the existing townscape as there are examples of first and second floor rear extensions along this terrace of buildings. The first-floor extension is 2.9m high, 9.8m long and 3.8m wide, and will accommodate additional floorspace for the community centre and also house a new internal staircase, which would provide access up from ground floor level. The staircase will also provide a secondary means of escape out onto the flat roof of the ground floor rear extension. Prior to the works being undertaken there was a half width 1st floor rear extension at the site that measured approximately, 2.4m high, 4.6m long and 3.8m wide. The existing internal floor area at 1st floor level was approximately 11m², therefore, the uplift in additional floorspace is approximately 17m², providing a cumulative floor area of approximately 28m². The proposed rear extension in itself would be considered a subordinate addition in terms of its relationship to the rear elevation of the host building and would not be out of keeping with the existing townscape. The Council would not normally support rear extensions at first floor level that are full width and a depth of approx. 9.8m. However, in this instance, although large in terms of its footprint, the proposed extension would mirror the almost identical full width extensions that are nearly 10m in

length at the neighbouring buildings at 288 and 290 Kilburn High Road. Therefore, in this context the scale and mass of the proposal would be considered acceptable. The first-floor extension has not been completed and once completed is proposed to incorporate a flat roof and be finished in brick slips in order to match the existing building.

3.3 As stated above, there are other examples of full width first floor rear extensions within the wider terrace of buildings (see relevant planning history), therefore a precedent for full width first-floor rear extensions has already been established. A first-floor full width rear extension would not be an uncommon feature along this terrace of buildings. It is considered that the first-floor rear extension would not present an incongruent feature at the rear of this terrace of buildings.

3.4 Access up to the first floor via an internal staircase would be marginally improved by providing a wider staircase to allow two-way people traffic. The previous staircase was narrow and only allowed one-way people traffic. However, access into the property and up to the upper floor would be similar to the existing arrangement.

3.5. Prior to the recent works being undertaken, there was access out onto the flat roof of the ground floor rear extension via a door located in the side elevation of the previous 1st floor extension. This access was only for emergencies purposes rather than an outdoor amenity space. It is now proposed to install an aluminium sliding door on the rear elevation of the 1st floor rear extension. The alignment of the proposed door aligns with the glass panels of the bi-fold doors below and in this respect, there is an element of cohesion in terms of the design.

3.6 It should be noted that a 2nd floor full width rear extension has also been erected at the site but does not form part of the consideration for this application and is currently subject to enforcement action. (See background section above)

Bi-fold doors at rear ground floor level

3.7 The ground floor layout has been re-arranged to provide for a larger hall located to the rear of the building. The full width glass bi-fold doors were installed in order to achieve more light into the building and to facilitate use of the main hall that is now located to the rear of the building. This type of opening is not typical of the openings at the rear of this terrace. The neighbouring openings consist of traditionally designed Juliet balconies. A form of Juliet balcony is proposed to be installed in front the bi-fold door in order to hinder access out into the public open space that lies adjacent to the site. This would draw upon the style and character of the Juliet balconies at the ground floor rear elevations of nos. 290 – 284 Kilburn High Road. The door is proposed to be fixed shut, which will further alleviate issues relating to encroachment into the park. The full width doors at ground floor level would not be detrimental to the architectural composition of the host building. There is also vegetation that would screen the ground floor rear in a number of views from within the park.

3.8 Objections have been raised in respect to the occupiers having access out into the park and using it as private amenity space. The Council's Parks Management team have confirmed that the piece of open space located directly adjacent to the application site is an unusable space as it is fenced off and cannot be accessed from within the park/football pitches. In the event the developer can gain local stakeholder support, Parks Management would be willing to consider developing a licence for a community managed garden in association with this community centre at the rear of the site as it is considered that this could be a good use of an otherwise inaccessible area.

Trees:

3.9 The site does not lie within a conservation area and therefore any trees on the site would not have been automatically protected. Parks Management has raised no objection to the felling of trees. The trees in question are not subject of a Tree Preservation Order (TPO) and therefore planning permission is not required to fell these trees. It is considered that enough greenery has been retained around the park and therefore would not affect existing biodiversity at the site.

3.10 In light of the above the development is considered to be acceptable in principle and would therefore comply with policy D1 of Camden's Local Plan 2017.

4.0 Amenity

4.1 Given the host building has existing rear windows at upper floor level overlooking the park, it is considered

that the proposal would not create any additional overlooking over and above that which already exists. Most of the views at the rear overlook the park and therefore it is considered that there would be no adverse impact in terms of the loss of privacy or the loss of outlook. Moreover, the bi-fold doors are proposed to be of obscured glass up to 2.2m high in order to address the issue of overlooking into the park (secured via condition 4).

4.2 Given that there are single-storey first-floor extensions either side of the application site, it is not envisaged that there would be any adverse impact to neighbouring residential amenity in terms of loss of natural light.

4.3 Objections have been submitted in respect to potential noise nuisance as a result of the use. The site has been used for a community centre since at least 2007. The uplift in floorspace is 17m² and therefore it is not envisaged that noise levels would be significantly increased over and above the current use. There was previously a door located in the side elevation of previous half-width rear extension that was only accessed for emergency purposes. The door in the rear elevation of the rear extension would facilitate a secondary means of escape as well as providing access out for roof maintenance. Given that a door is proposed in the rear elevation of rear extension the Council considers that a condition restricting the use of the roof as a terrace is warranted (Condition 5).

4.4 As such, there are no adverse amenity impacts associated with the proposal and it would thereby comply with policy A1 of Camden's Local Plan 2017.

5.0 Conclusion:

5.1 The bi-fold doors, although an anomaly in the rear elevation does not detract from the character and appearance of the host building. The Juliet style balcony proposed would reference those installed on the neighbouring buildings. The first-floor rear extension would not be an uncommon feature at the rear of this terrace of buildings as there are examples of full width rear extensions along this terrace of buildings and the extension would be commensurate with this neighbouring pattern of development. The rear extension would incorporate a flat roof and be finished in brick slips to match the material on the main building.

The development would not give rise to the loss of privacy, outlook or the loss of natural light. It is not envisaged that the proposed uplift in additional floorspace (17m²) would create increased noise levels over and above that what is currently experienced at the site.

As such the proposal is considered to comply with policies A1 and D1 of Camden's Local Plan 2017.

Recommendation: Grant with warning of enforcement action

RECOMMENDATION:

That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town and Country Planning act 1990 as amended should the scheme hereby approved not be fully implemented within 3 months of the date of this permission, this includes the removal of the second floor rear extension required by enforcement notice referenced EN20/0889

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 15th March 2021, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.