

Application ref: 2022/0685/P  
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Date: 9 September 2022

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
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WC1H 9JE

Phone: 020 7974 4444

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Tal Arc Ltd.  
2a Crescent Road  
London  
N3 1HP

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Granted Subject to a Section 106 Legal Agreement**

Address:

**108 Kilburn High Road**  
**London**  
**NW6 4HY**

Proposal:

Erection of a single-storey self-contained commercial unit (Class E - Office) at rear first floor level.

Drawing Nos: 108KHR-PP4-01; 108KHR-PP4-02; 108KHR-PP4-03 Rev. A; 108KHR-PP4-04 Rev. A; Design and Access Statement; Cover Letter dated Feb 2022

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:  
108KHR-PP4-01; 108KHR-PP4-02; 108KHR-PP4-03 Rev. A; 108KHR-PP4-04

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

- 4 Notwithstanding the provisions of Class E of the Schedule of the Town and Country Planning (Use Classes) Order, 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the premises shall only be used as an office use and not for any other use within Class E.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises/immediate area by reason of noise, activity and impact on the town centre, in accordance with policies A1, TC2, TC4 and E1 of the London Borough of Camden Local Plan 2017.

- 5 The high-level windows to the south-west elevation of the new unit (facing the rear elevation of no. 108 Kilburn High Road) shall be formed of obscure glazing and be permanently retained as such thereafter.

Reason: To protect the amenity of nearby residents in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

- 6 Before the development commences, details of a secure and covered cycle storage area for 2 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of the new unit and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reasons for granting permission.

This proposal relates specifically to a section of flat roof situated to the rear of no. 108 Kilburn High Road. The flat roof is used as access to the upper floors of nos. 108-114 Kilburn High Road as well as nos. 28 and 29 Quex Mews. The site is situated within the Kilburn Town Centre as designated within the Camden Local Plan.

During the course of the application, the proposal has been amended with

changes made to the proposed fenestration. It was not considered necessary to reconsult on these minor changes.

The proposal is considered acceptable in land use terms. The introduction of a new Class E unit on this otherwise under-used area of roof is welcomed, and its use as an office is an appropriate town centre use. It is not considered that the proposed office use would have any detrimental impact on the viability or character of the area or lead to any unacceptable cumulative impact. A condition is recommended to ensure that the unit is only used as an office use and not any other uses within Class E in order to protect local amenity and transport conditions.

The profile and form of the new unit reflects that of the adjoining first floor element of 46 Birchington Road, and measures approximately 44sqm in floor area and 2.8m at the eaves. It has a pitched roof, formed of brick and has windows to north-east and north-west elevations, and 4 rooflights to the pitched roof. Overall, the addition of the structure to this underutilised flat roof would not detract from the appearance of the area, and its detailed design, form and materiality is considered appropriate in this context.

There would be a gap of approximately 6.3m between the north-east elevation and the rear elevation of no. 29 Quex Mews. It is set back from the directly adjacent north-east elevation of 46 Birchington Road. Owing to the pitched roof and its height, the 25-degree daylight angle test to protect adjoining light would not be breached in relation to the rear windows of no. 29 Quex Mews, and as a result there would not be any unacceptable loss of light or sense of enclosure. Whilst it is acknowledged that there may be a degree of loss of outlook to these rear windows, this floor to no. 29 Quex Mews is dual aspect and there are windows to its north-east elevation which overlook the rear garden, and therefore it is not considered that the development would have any significant negative impact. There would not be any loss of privacy to neighbouring properties, given there are no windows on the north-east elevation facing no. 29 Quex Mews and that the windows facing the rear elevation of no. 108 Kilburn High Road are obscure glazed. A condition is recommended to ensure that these windows are permanently retained as obscure glazing to protect the residential amenity of no. 108 Kilburn High Road.

Given that the flat roof is already being used by residents to access a number of properties, it is not considered that any additional activity and access by occupiers of the new office unit would have any adverse impact on the residential amenity currently enjoyed by neighbouring residents in terms of noise and activity. It is noted that activity levels would be concentrated during working hours and unlikely to extend into late night.

- 2 The application site has a PTAL rating of 6a, with the site being very well served by public transport. Car parking for staff would not be considered necessary in this instance, and it is recommended that the car-free requirement for the site be secured via legal agreement. London Plan guidance requires 1 long-stay and 1 short-stay cycle parking space to be provided for a B1 Office (now Class E) use of this size. The flat roof currently houses cycle storage for the approved residential units at no. 108-110 Kilburn High Road. It is considered that there is sufficient space to provide two more cycle parking

spaces, and a condition is recommended to secure details of these two spaces.

No objections or other responses were received following statutory consultation. The site's planning history and relevant appeal decisions were taken into account when coming to this decision.

As such, the proposal is in accordance with policies A1, D1, E1, T2, TC2 and TC4 of the Camden Local Plan. The proposed development also accords with the policies of the London Plan 2021 and National Planning Policy Framework 2021.

- 3 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 4 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 5 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 6 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope  
Chief Planning Officer