

Statement of Case for Erection of a third-floor extension on the Messina Avenue frontage to create 1 x 1 bedroom apartment, with associated works.

232 KILBURN HIGH ROAD, LONDON, NW6 4JP.

On behalf of Mohammed Adil.

Date: 10 November 2022 | Pegasus Ref: P21-3659

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Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
V1	10/11/2022	ELH	DO	-
V2	11/11/2022	ELH	DO	Detail to appellants case



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1. Introduction

- 1.1. Mohammed Adil (the "Appellant") hereby submits an appeal against non-determination of planning application 2022/O644/P (the "Application") by the London Borough of Camden Council (the "LPA"). A Site Location Plan is attached at Appendix A to this Statement.
- 1.2. This Statement of Case is submitted pursuant to Part 2 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009, as amended by the Town and Country Planning (Appeals) (Written Representations Procedure and Advertisements) (England) (Amendment) Regulations 2013.
- 1.3. The Application was submitted in February 2022 and validated on 25th April 2022. The application was submitted during the period when the planning portal was being updated. An email on 17th February 2022 from the Planning Portal indicated that the application did not submit and as such, the Applicants agent resubmitted the planning application on 17th February and provided the planning reference 2022/O644/NEW. There was some confusion between the Council and the planning portal, and two identical applications were received by the Council. The Case officer subsequently withdrew the planning application 2022/O644/NEW from Camden Council system and proceeded with the planning application under application reference 2022/O644/P.
- 1.4. Following submission, the Council were unresponsive for four months, despite the Appellants agents attempts to obtain comments from the Council. The first communication from the Council was received on 11th August 2022, which the Appellant responded to quickly and cooperatively. Following the submission of a revised scheme the Council did not respond for six weeks with communication from the Council piecemeal since the 4th October.
- 1.5. The application originally sought full planning permission for:

"Erection of a new fourth floor extension on the Kilburn High Road frontage to create 1 no. 1-bedroom apartment and erection of a new third floor extension on the Messina Avenue frontage to create 1 no. 1-bedroom apartment, with associated works."
- 1.6. On 11th August, the case officer informed the Appellant that the Council did not support the application. A formal amendment to the planning application was submitted on 23rd August 2022 which sought to set back the proposed extension away from the High Road and below the height of the existing building and remove the proposed extension to form a fourth floor.
- 1.7. The amended application description, and the subject of this appeal seeks full planning permission for the below description of development:

"Erection third floor extension on the Messina Avenue frontage of 232 Kilburn High Road to create 1 x 1 bedroom apartment, with associated works"
- 1.8. The amended scheme was taken to a case conference and was not supported. On 4th October, the case officer informed the Appellant that the application would not be supported for the following reasons:
 - This site is on a prominent corner location and adding any extension on this site would be visible in both long and short views from Kilburn High Road and Messina Avenue.

- The design, size, scale, form, and use of materials of the new extension would not be considered appropriate in this location. The extension at the fourth-floor level juts out from the building line, it is very prominent on the roof and appears as a standalone feature which is not in keeping with the host building or the surrounding area.

- 1.9. The Appellant has subsequently approached the Officer for clarification of issues, but the Council remain entrenched in their position. The Officer has informed that the Application is to be refused however no decision has been issued following discussions taking place on 20th October, as such the Appellant submits this appeal for non-determination.
- 1.10. This Statement will demonstrate that the submitted scheme complies with the Development Plan, and that the Application should, therefore, been approved without delay in accordance with Paragraph 11 (c) of the National Planning Policy Framework ("NPPF").
- 1.11. Every effort has been made to ensure this Statement of Case is presented as concisely as possible, as required by the Planning Inspectorate's Procedural Guide: Planning appeals – England (October 2021).
- 1.12. This Statement is set out as follows:
- Section 2– Site Description
 - Section 3– Submitted Scheme
 - Section 4– The Council's Position
 - Section 5– Planning Policy
 - Section 6– The Appellants Case
 - Section 7– Summary and Conclusions
- 1.13. The Appellant requests confirmation from the LPA at the earliest opportunity of whether they are minded to continue to hold their stance and defend the appeal considering the evidence presented within this Statement.

2. Site Description

- 2.1. The Appeal Site ("the Site" hereafter) is shown on the Site Location Plan attached at Appendix A. It is located on the corner of Kilburn High Road and Messina Avenue with the entrance to the existing residential apartments located to the rear of the building on Messina Avenue. The Site falls within the administrative boundary of the London Borough of Camden.
- 2.2. The existing building currently comprises commercial space on the ground floor with 3 no. 1-bedroom apartments on the first floor. The second floor comprises 1 no. 2-bedroom apartment and 1 no. 1-bedroom apartment. The third floor comprises 1 no. 1-bedroom apartment.
- 2.3. The Kilburn High Road frontage is currently occupied by a 4-storey building. The frontage to Messina Avenue is occupied by a 3-storey building. The proposed extension would be located above the second floor of 232 Kilburn High Road on the Messina Avenue frontage.
- 2.4. The Site is located within a sustainable location with good access to public transport including both Kilburn High Road and Brondesbury Overground Train Station, Kilburn Underground Station and Kilburn Park Underground Station, and various bus stops, all located within 800m north and south of the Site along Kilburn High Road and providing regular transport services across the city.
- 2.5. The Site is located within a town centre with several community facilities including a doctors' surgery and dentists, as well as a variety of retail, restaurants, and residential units along the road. The site is also located within proximity of Kilburn Grange Park.
- 2.6. The Site is not located within a conservation area. There is one Listed Building within the vicinity of the Site, this being the Grade II Listed, The National Club. A copy of the listing can be found at Appendix D.

Planning History

- 2.7. Relevant planning history for the site is listed below:

PWX0102129 – The Council refused an application for the erection of a mansard roof extension and a two-storey rear extension in connection with the provision of three additional self-contained flats – Refused 7th January 2002

2003/1778/P – The Council granted permission for the erection of a second-floor side and rear extension over an existing two-storey side and rear extension to create a new self-contained flat – Granted 7th April 2004

3. Submitted Scheme

- 3.1. The Appeal Site, as identified above comprises 232 Kilburn High Road. The Appeal proposes to erect a new third floor extension on the Messina Avenue frontage of 232 Kilburn High Road to create 1 x 1 bedroom apartment, with associated works.
- 3.2. The ground, first and second floor will not be affected by the proposed development.
- 3.3. The Appeal Site proposal relates to the formal amendments submitted to the Council on 23rd August 2022 which sought to set back the proposed extension away from the High Road and below the height of the existing building by removing the proposed extension to form a fourth floor.
- 3.4. The third floor is proposed to extend the existing flat roof on the Messina Avenue frontage. The proposed new third floor 1-bedroom flat will comprise a bedroom, bathroom, kitchen/ living area, and terrace. The total floor space of the apartment will be 40 sqm.
- 3.5. The proposed flat is to be accessed via an internal staircase as demonstrated on drawing G100, as found within the drawing pack at Appendix E.
- 3.6. Externally, the extension will be lead clad with aluminum compression capping. The windows will be double glazed aluminum framed, matching the cladding colour. A metal handrail to provide guarding to the terrace is also proposed.
- 3.7. The proposed third floor extension is proposed to have a flat roof as a means of replicating the existing roof of the Site and reduce the scale of the Site.
- 3.8. At the time of appeal, the plans and documents in Table 1 below were before the LPA.

Document	Reference
Architectural Plans and Drawings	
Location Plan and Block Plan	L100 (P1)
Existing and Proposed Third Floor Plan	G100 (P1)
Existing and Proposed Roof Plan	G101 (P1, P1REVB)
Existing and Proposed Elevations	C100 (P1, P1REVB)
Existing and Proposed Street Views	V100 (P1REVA, P1REVB)
Reports and Forms	
Planning Statement	N/A

Application Form	N/A
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- 3.9. Due to the formal amendments to the scheme, the Planning Statement and Application Form make reference to a proposed fourth floor which is not relevant to this appeal.
- 3.10. The Appellant's position is that the scheme subject of this Appeal is policy compliant with reference to the Development Plan and relevant material considerations and should be granted permission.

4. The Councils Position

- 4.1. Although no formal response has been provided by the Council, the Appellant communicated with the Council regarding the Site and submitted a formal amendment to the scheme following the Council comments on 11th August.
- 4.2. The email dated 11th August from the case officer (full email found at Appendix B), stated the Council did not support the proposed development for the following reasons:
- The current roof form is part of an undisrupted roof on this side of Kilburn High Road. The whole of this side on Kilburn High Road does not consist of any roof extensions.
 - This site is on a prominent corner location and adding any extension on this site would be highly visible in both long and short views from both directions along Kilburn High Road
 - Directly adjacent to the site is a Grade II listed building – the UCKG Help Centre, it is considered the proposed roof extensions would have a detrimental impact on the setting of the adjacent grade II listed building.
 - The design, size, scale form and use of materials of the new extensions would not be considered appropriate in this location.
- 4.3. In response to these comments, the Appellant submitted a formal amendment to the Council which remove the proposed extension to form a fourth floor. The formal amendment was submitted on 23rd August 2022.
- 4.4. Following the formal amendment, the Council took the proposal to an internal case conference. On 4th December, the Appellant received an email from the Council which detailed that the amended application could not be supported for the following reasons:
- This site is on a prominent corner location and adding any extension on this site would be visible in both long and short views from Kilburn High Road and Messina Avenue.
 - The design, size, scale, form, and use of materials of the new extension would not be considered appropriate in this location. The extension at the fourth-floor level juts out from the building line, it is very prominent on the roof and appears as a standalone feature which is not in keeping with the host building or the surrounding area.
- 4.5. The Appellant's Agent discussed these comments with the Council on 20th October via telephone and the Council informed that a redesign of the scheme would not alter their stance on the application and the application was to be refused. The Council offered the Appellant to withdraw the application or accept a refusal. The Appellant requested a refusal with the aim to appeal against the refusal.
- 4.6. Following the conversation on 20th October, the Council have been uncooperative, with the Council stating on 1st November that the decision notice was 'almost complete' (email found at Appendix F), and it was to be send across to the senior officers to be finalised in the coming days. However, no decision was received.

5. Planning Policy

5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2. The Site falls within the Borough of Camden where the statutory Development Plan comprises:

- London Plan (March 2021)
- Camden Local Plan (July 2017)

5.3. Material considerations for any proposal include national policy and guidance contained within the National Planning Policy Framework ("NPPF") and the Planning Practice Guidance ("PPG").

The Development Plan

5.4. Should a decision have been issued it is considered from the comments made, that two reasons for refusal would have been made. The first relating to the corner location of the proposed development and the second relating to the design, size and scale and proposed use of material which were considered inappropriate by the Council.

5.5. Within the email from the Council on 4th October, the Council stated:

"Overall, the proposed roof extension, by reason of its, design, scale, form and materials would be detrimental to the character and appearance of the host building and the surrounding area. The proposal would therefore be contrary to policies D1 and D2 of Camden Council's Local Plan 2017, Design CPG and to the National Planning Policy Framework 2021, the London Plan 2021."

5.6. Policy D1 of the Camden Local Plan states that development should respect local context and character, preserve, and enhance the historic environment and heritage assets and incorporate sustainable design and utilise details and materials that complement local character. The explanatory text states that extensions should use materials that match the original or neighbouring buildings, or, where appropriate, in materials that complement or enhance a building or area.

5.7. The explanatory text also states that the Council will seek to ensure that residential development, both new and change of use:

- is self-contained and has its own secure private entrance;
- has good ceiling heights and room sizes;
- is dual aspect except in exceptional circumstances;
- has good natural light and ventilation;
- has good insulation from noise and vibration;

- has a permanent partition between eating and sleeping areas (studio flats are acceptable where they provide adequate space to separate activities);
- incorporates adequate storage space;
- incorporates outdoor amenity space including balconies or terraces; and
- is accessible and adaptable for a range of occupiers.

5.8. Policy D2 states that development should preserve and where appropriate, enhance Camden's rich and diverse heritage assets and their settings. The Council will not permit the loss of or substantial harm to a designated heritage asset. The Council will also not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal outweigh the harm. The policy outlines that the Council will seek to preserve and enhance the boroughs listed buildings by (amongst other things) resist development that would cause harm to significance of a listed building through an effect on its listed building.

5.9. The supporting text of the policy at paragraph 7.60 states the below:

"The setting of a listed building is of great importance and should not be harmed by unsympathetic neighbouring development. While the setting of a listed building may be limited to its immediate surroundings, it can often extend some distance from it. The value of a listed building can be greatly diminished if unsympathetic development elsewhere harms its appearance or its harmonious relationship with its surroundings. Applicants will be expected to provide sufficient information about the proposed development and its relationship with its immediate setting, in the form of a design statement."

5.10. Other policies in the Camden Local Plan relevant to the application and this appeal are:

- Policy G1 (Delivery and location of growth) states that the Council will deliver growth by securing high quality development and promoting the most efficient use of land and buildings in Camden by supporting development that makes best use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site. The most significant growth expected to be delivered through development at highly accessible locations like Kilburn High Road.
- Policy H1 (Maximising housing supply) states the Council will look to exceed the target for additional homes by regarding self-contained housing as the priority land use of the Local Plan, and where sites are underused or vacant, expecting the maximum provision of housing.
- Policy A1 (Managing the impact of development) seeks to protect the quality of life of occupiers and neighbours and will ensure that the amenity of communities is protected. Such factors include visual privacy, sunlight, daylight and overshadowing, noise vibration and fumes, and transport impacts.

5.11. The below details policies relevant to the site from the London Plan.

- Policy D6 (Housing quality and standards) states that housing development should be of high-quality design and provide adequately sized rooms with comfortable and

functional layouts which are fit for purpose and meet the needs of Londoners. A one bedspace single bedroom must have a floor area of at least 7.5 sq.m. and be at least 2.15m wide. A two bedspace double (or twin) bedroom must have a floor area of at least 11.5 sq.m. The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.

- Policy H1 (Increasing Housing Supply) recognises the pressing need for more homes in London. The policy identifies a need of at least 10,380 across a 1-year period for the London Borough of Camden. To ensure that ten-year housing targets are achieved, boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially on sites with existing or planned public transport access levels (PTALs) 3–6 or which are located within 800m distance of a station or town centre boundary, and on small sites.
- Policy H2 (Small Sites) states that Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to significantly increase the contribution of small sites to meeting London’s housing needs, and diversify the sources, locations, type and mix of housing supply.
- Policy H10 (Housing size mix) states that schemes should generally consist of a range of unit sizes. One consideration should be the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity.
- Policy T6.1 (Residential Parking) states that for dwellings in all areas of PTAL 5 – 6 the provision is to provide car free developments. The WebCAT TfL mapping tool shows that the Site is within PTAL 5, therefore this car free proposed development is policy compliant.

Material Considerations

Supplementary Planning Guidance

- 5.12. In 2021, the Council adopted a Design Planning Guidance to support the policies in the Camden Local Plan.
- 5.13. The Guidance identifies Camden are committed to achieving excellent design and will not approve design which is inappropriate to its context or fails to improve the character of the area. At paragraph 2.9, it is outlined that the Council require applicants to consider buildings in terms of:
- Context
 - Height
 - Accessibility
 - Orientation

- Scale and massing
- Siting
- Functionality and layout
- Detailing
- Materials

5.14. The guidance details that development should seek to achieve the below principles of high-quality design.

Context and character	<ul style="list-style-type: none"> • Development should respond positively and sensitively to the existing context • Development should integrate well with the existing character of a place, building and its surroundings
Accessible	<ul style="list-style-type: none"> • Places should be accessible to all and easy to get to and move through (permeable) • Development should connect well with existing places
Legible	<ul style="list-style-type: none"> • New development and places should provide recognizable routes and promote active wayfinding • New development should be legible and enable connectivity and effective movement between sites
Adaptable	<ul style="list-style-type: none"> • Development should promote adaptability by being responsive to changing social, technological, and economic conditions and community needs • Development should be adaptable to future needs and responsive to use
Livable	<ul style="list-style-type: none"> • Development should be compatible with the surrounding area and be able to accommodate uses that work

	<p>together and create viable places that respond to local needs</p> <ul style="list-style-type: none"> • Development should promote health and wellbeing • Good design should contribute to making places better for people • Good design should create safe environments
Sustainable	<ul style="list-style-type: none"> • Development should promote sustainability and efficient resource consumption • Development should make efficient use of the site • Development should make use of good quality durable materials
High quality public realm	<ul style="list-style-type: none"> • Public spaces should be designed to be attractive, safe, secure, uncluttered, and accessible to all
Safe and secure	<ul style="list-style-type: none"> • Developments should enable and support opportunities for passive surveillance • Developments should seek to create a sense of place and community

5.15. Paragraph 2.11 details that good design should respond appropriately to the existing context by ensuring the scale of the proposal overall integrates well with the surrounding area and the scale, massing and height of the proposal positively integrates with the surrounding area. The paragraph also sets out that proposals should integrate with and enhance the character, history, archaeology, and nature of existing buildings on the site and other buildings immediately adjacent and in the surrounding area, and any strategic or local views, vistas, and landmarks.

5.16. Paragraph 3.35 relates to preventing harm to heritage assets. In accordance with policy H2 and the NPPF, the Council will not permit the loss of or substantial harm to a designated heritage asset unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits.

National Planning Policy Framework (NPPF)– July 2021

5.17. Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. This has three interrelated objectives that are set out at Paragraph 8:

- *An economic objective – to help build a strong, responsive, and competitive economy, ensuring that sufficient land of the right type is available in the right place and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- *A social objective – to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- *An environmental objective – to contribute to protecting and enhancing our natural, built, and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

5.18. At the heart of the NPPF is the ‘presumption in favour of sustainable development.’ Paragraph 11 sets out that for decision-taking, this means “approving development proposals that accord with an up-to-date development plan without delay.”

6. The Appellant's Case

Introduction

- 6.1. The Appellant contends that this proposal is in accordance with the Development Plan and should be allowed, and planning permission granted for the proposed development.
- 6.2. As required by the Procedural Guide to Planning Appeals, the Appellant's case focuses on the areas of disagreement between the Appellant and the LPA. The reasons of disagreement as set out in the Council's emails are addressed below.

Reasons of disagreement

- 6.3. No formal decision was made in relation to this application, with the delay due to the Council withholding the publication of the decision notice. The Appellant engaged with the Council and received comments on 4th October relating to two reasons for objection to the proposed application.
- 6.4. The reasons are set out below.

"This site is on a prominent corner location and adding any extension on this site would be visible in both long and short views from Kilburn High Road and Messina Avenue.

The design, size, scale, form, and use of materials of the new extension would not be considered appropriate in this location. The extension at the fourth floor level juts out from the building line, it's very prominent on the roof and appears as a standalone feature which is not in keeping with the host building or the surrounding area.

Overall, the proposed roof extension, by reason of its, design, scale, form, and materials would be detrimental to the character and appearance of the host building and the surrounding area. The proposal would therefore be contrary to policies D1 and D2 of Camden Council's Local Plan 2017, Design CPG and to the National Planning Policy Framework 2021, the London Plan 2021."

- 6.5. It is apparent from the Council's comments above, that the LPA consider the scheme would appear incongruous, finding it would be disproportionate and incompatible addition detrimental to the character and appearance of the host building and the surrounding area.
- 6.6. On behalf of the Appellant, we disagree entirely with the Council's reasons for refusal and considered that the proposed extension to the third floor has been carefully and thoughtfully designed to respect the host building and surrounding area and respond appropriately in townscape terms as a corner building. Furthermore, the development proposal has evolved in design to respond to comments raised by the Council in August 2022.
- 6.7. The Council outline in their comments received on 4th October that the appeal building is a prominent building on the corner of Kilburn High Road and Messina Avenue. Whilst the appeal Site is located on a corner plot, the immediate area surrounding the appeal Site varies greatly in architectural style and form with a variety of materials utilised within the area. Whilst the development will be visible in both long and short views from Kilburn High Road and Messina Avenue, this is not a protected view and the proposed development would be seen within the urban context of the area as identified on the proposed street view A and B (Appendix

E), the development does not result in an overbearing view from Kilburn High Road and sits well within the existing built form of Kilburn High Road and Messina Avenue. The fact that the proposal will be visible does not mean that it would be unacceptable.

- 6.8. Policy G1 of Camden's Local Plan identifies the Council will deliver growth by securing high quality developments which make the most effective use of land and buildings in Camden. The Policy continues stating the most significant growth is expected to be delivered (amongst other areas), at highly accessible locations, Kilburn High Road is a highly accessible location with access to range of public transport and a wide range of facilities. The supporting text at paragraph 2.13 further emphasizes the Council will encourage the provision of a mix of uses in suitable locations and expect development proposals in areas such as Kilburn High Road to contribute towards meeting Camden's pressing need for self-contained housing.
- 6.9. The Appellants amended scheme considered the comments raised by the Council in August 2022 and removed the proposed extension to create a fourth floor, thus resulting in no alterations required to the front elevation facing Kilburn High Road. This amendment ensured that there would be no impact on the Grade II listed building with the proposed built form of the extension to sit well within the context of the listed building and surrounding area. The amended scheme is consistent with the design principles set out in the Local Plan, London Plan, and design guidance and makes use of a highly sustainable location in an area which has been highlighted as an area of growth by the Council. In addition, the Site makes effective use of land in accordance with Policy G1 of the Camden Local Plan and Policy GG2 of the London Plan.
- 6.10. Whilst it is appreciated that the development is on a corner location, the scheme does not adversely impact upon the long and short views from Kilburn High Road and Messina Avenue and would sit well within the exiting-built form and as such the appeal should not be dismissed on this basis.
- 6.11. The Council's second reason of disagreement is outlined below.

"The design, size, scale, form and use of materials of the new extension would not be considered appropriate in this location. The extension at the fourth-floor level juts out from the building line, it's very prominent on the roof and appears as a standalone feature which is not in keeping with the host building or the surrounding area."
- 6.12. Firstly, the Appellant would like to note that the second part of this reason of disagreement is not related to the amended application as the amended scheme removed the proposed fourth floor extension. The proposed third floor extension sits within the existing built form and does not jut out from the building line. As such, this comment should be disregarded in relation to decision of this appeal.
- 6.13. As noted previously, the Appellant engaged positively with the Council and amended the scheme, reducing the scale of the proposal by removing the proposed fourth floor extension, following the comments in August 2022.
- 6.14. As outlined above at paragraph 5.6, Policy D1 of the Local Plan seeks to secure high quality design in development. Part a of Policy D1 requires development to respect local context and character. The Site meets this requirement by utilising design principles which are commonly found along Kilburn High Road and the surrounding area. The Site is to be constructed of grey cladding, a colour and material which is found within the immediate area of the site such as at 2-8 Messina Avenue. The windows of the Site are also proposed to be grey to blend in with

the extension and replicate those found on the third-floor extensions at 2–8 Messina Avenue. The amended scheme was reduced to respect the local context and character with the extension modest in size so that it does not extend beyond the existing footprint of the building and as such is seen within the context of the existing built form along the elevation along Messina Avenue.

- 6.15. Part b of Policy D1 relates to the preservation and enhancement of the historic environment and heritage assets in accordance with policy D2. The Council in their comments noted that the proposed form and use of materials would be detrimental to the character and appearance of the host building and the surrounding area. The Appellant strongly disagrees with this statement. The Council withdrew their comment in their email on 11th August relating to the setting of the listed building, despite this, in their email on 4th October, the Council noted the proposal conflicted with Policy D2, however this contradicts the withdrawal of the Council's comment on this matter.
- 6.16. Policy D2 sets out that development should preserve and enhance Camden's heritage assets and their setting. Adjacent the Site lies the National Club, a Grade II listed building (list number 1379255). The building was listed in 1991 as the building was the largest cinema in Europe when constructed and one of few surviving examples nationally that display cinema design. The listed building has a slate roof and rendered white walls facing Kilburn High Road and red brick along Messina Avenue. The building also includes parapet walls. The proposed development employs design principles which are sympathetic to the listed building and the surrounding area, incorporating grey cladding which can be found both on the Listed Building and at the third-floor extensions to 2–8 Messina Avenue. The design of the development sits well within the context of 2–8 Messina Avenue and would not result in harm to the Listed building through an effect on its setting and as such complies with part b of Policy D1 and Policy D2 of the Local Plan.
- 6.17. Part e of Policy D1 of the Camden Local Plan requires developments to employ materials that are of high quality and complement the local character. The design and use of materials at the site will complement the local character, with the site proposed to be constructed of high-quality cladding which will encompass the entirety of the extension. The windows proposed will match the colour of the cladding as a means to blend the windows into the cladding. The design and use of materials will be seen within the context of the local area and complement the characteristics of building within the vicinity.
- 6.18. Part f of Policy D1 sets out proposals should integrate well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible, and easily recognisable routes and contributes positively to the street frontage. The Site as previously discussed, will sit well within the context of the surrounding area, and integrate seamlessly into the existing built form of this part of Kilburn High Road and surrounding streets. The site is also highly accessible with a PTAL rating of 5 with several underground stations and bus routes available within proximity of the site. The scheme also contributes positively towards the street frontage with the amended scheme removing the proposed fourth floor and as such no alterations would be required to the existing street frontage along Kilburn High Road.
- 6.19. Part I of Policy D1 requires developments to provide outdoor amenity space. The proposal incorporates a private terrace with a metal handrail for safety. The Site is also 64 metres from Kilburn Grange Park, thus providing significant access to amenity space for the occupants of the proposed development.

- 6.20. Part n of Policy D1 requires development for housing to provide a high standard of accommodation. The proposed development exceeds the national space standards for this type of development and incorporates high quality materials and design to ensure a high standard of accommodation is achieved.
- 6.21. It is apparent from the above that the Appeal Site demonstrates high quality design and accords with Policy D1 of the Local Plan.
- 6.22. In addition to the above, Policy H1 of the London Plan recognises the pressing need for more homes in London. In August 2021, Camden Council published the London Borough of Camden Housing Delivery Test- Action Plan, the Plan identified that a target of 3265 homes were required to be built to achieve the 5-year supply target, however just 2568 were delivered equating to a shortfall of 21%. In accordance with Policy H1 of the London Plan the proposed development could make a small contribution to the housing deficit in Camden and deliver housing on a suitable site within a town centre with a PTAL rating of 5.
- 6.23. As demonstrated above, the Appeal scheme seeks to develop a high quality, design led scheme which has been amended following discussions with the Council. The proposed development does not impact negatively upon the surrounding area or the host building and sits well within the existing built form, utilising materials and design principles which are found along Kilburn High Road and the surrounding area. As such, it is considered that the Appeal Site accords with policies D1 and D2 of Camden Council's Local Plan 2017, Design CPG and to the National Planning Policy Framework 2021, the London Plan 2021 and therefore this appeal should be allowed.

7. Summary and Conclusions

- 7.1. Mohammed Adil hereby submits an appeal against non-determination of planning application 2022/O644/P by the London Borough of Camden Council. This Statement of Case is submitted pursuant to Part 2 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009, as amended by the Town and Country Planning (Appeals) (Written Representations Procedure and Advertisements) (England) (Amendment) Regulations 2013.
- 7.2. The appeal proposal seeks full planning permission for the erection third floor extension on the Messina Avenue frontage of 232 Kilburn High Road to create 1 x 1 bedroom apartment, with associated works at 232 Kilburn High Road.
- 7.3. In the Council's reasons for disagreement, the LPA state the proposal would, by reason of its, design, scale, form and materials would be detrimental to the character and appearance of the host building and the surrounding area and therefore be contrary to policies D1 and D2 of Camden Council's Local Plan 2017, Design CPG and to the National Planning Policy Framework 2021, the London Plan 2021.
- 7.4. Kilburn High Road is defined as a town centre within the Council's Local Plan, with Policy G1 setting out Kilburn High Road as an area where significant growth is expected. The policy outlines the Council will seek to deliver high-quality development and promote the most effective use of land. The proposed development, in accordance with Policy G1 and the London Plan makes effective use of land in a highly sustainable location.
- 7.5. Whilst it is accepted that the development will be seen in long and short views from Kilburn High Road and Messina Avenue, this is not a protected view and due to the design and use of materials, the development sits well within the context of the existing built form and as such it is concluded that the development does not cause harm to the character or setting of the host building or the surrounding area, and employs design principles as set out within Policy D1 and D2 of the Camden Local Plan, Camden's design guidance and London Plan.
- 7.6. The proposed development has also been design led, with the Appellant positively responding to the Council's comments through the removal of the proposed fourth floor as a means of reducing the scale of the proposed development and respecting the character and setting of the host building and the surrounding area.
- 7.7. The design and material proposed are commonly found within the immediate area of the Appeal Site with 2-8 Messina Avenue employing similar materials on the third floor. The design is also sympathetic to the Listed Building adjacent the site does not result in any adverse impact to the setting of the heritage asset. As such, the development is considered to accord with policy D2 of the Camden Local Plan.
- 7.8. This Statement of Case has set out that the submitted scheme is acceptable in planning terms and it accords with the policies of the Development Plan and with the requirements of national policy. The Inspector is therefore respectfully requested to allow the appeal and to grant planning permission for the Submitted Scheme.



Appendix A: Site Location Plan

Appendix B: 11th August Email and Amended Scheme Email Trail



From: Jaspreet Chana <Jaspreet.Chana@camden.gov.uk>
Sent: 11 August 2022 12:53
To: Nina Stanford <Nina.Stanford@pegasusgroup.co.uk>
Cc: David Onions <David.Onions@pegasusgroup.co.uk>; David Fowler <David.Fowler@camden.gov.uk>; Alex Bushell <Alex.Bushell@camden.gov.uk>
Subject: RE: 2022/0644/P - 232 Kilburn High Road

Dear Ms Stanford,

I apologise for the delay in coming back to you and the lack of communication. I can advise that I took the application along to my case conference where other senior officers/conservation officers/managers were present and unfortunately came to the view that we cannot support roof extensions at this site.

The reasons for this are:

- The current roof form is part of an undisrupted roof on this side of Kilburn High Road. The whole of this side on Kilburn High Road does not consist of any roof extensions.
- This site is on a prominent corner location and adding any extension on this site would be highly visible in both long and short views from both directions along Kilburn High Road
- Directly adjacent to the site is a Grade II listed building – the UCKG Help Centre, it is considered the proposed roof extensions would have a detrimental impact on the setting of the adjacent grade II listed building.
- The design, size, scale form and use of materials of the new extensions would not be considered appropriate in this location.

Overall, the proposed roof extensions, by reason of its, design, scale, form and materials would be detrimental to the character and appearance of the host building and the surrounding area. It is also considered the proposal would have a detrimental impact on the setting of the adjacent grade II listed building. The proposal would therefore be contrary to policies D1 and D2 of Camden Council's Local Plan 2017, Design CPG and to the National Planning Policy Framework 2021, the London Plan 2021.

Given the above we cannot support this application and the applicant can either chose to withdraw this application or take a refusal and try the application at appeal. Please let me know how the applicant would like to proceed.

Kind regards,

Jaspreet Chana
Planning Officer

Telephone: 02079741544



RE: 2022/0644/P - 232 Kilburn High Road



Ellie Liggins-Hughes

To: jaspreet.chana@camden.gov.uk
Cc: Nina Stanford; David Onions; david.fowler@camden.gov.uk; alex.bushell@camden.gov.uk



220822 - 1516 - 232 Kilburn High Road - Planning P1 REVb.pdf
1 MB

Reply Reply All Forward

Tue 23/08/2022 09:01

Good morning Jaspreet,

Please see attached a formal amendment to planning application 2022/0644/P.

The amendment seeks to set back the extension away from High Road and is below the height of the existing building. As such, it is considered that this amended proposal would cause less than substantial harm to the listed building and that the overall public benefits would outweigh any perceived harm.

Please let me know if you require anything further.

Kind regards,
Ellie

Ellie Liggins-Hughes
Planner

E Ellie.Liggins-Hughes@pegasusgroup.co.uk
M 07938 484623 | **DD** 0121 272 7389 | **EXT** 3230 | **T** 0121 308 9570
39 Bennetts Hill | Birmingham | B2 5SN



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Appendix C: 4th October Email Trail



RE: 2022/0644/P 232 Kilburn High Road

JC Jaspreet Chana <Jaspreet.Chana@camden.gov.uk>
To: Ellie Liggins-Hughes
Cc: Alex Bushell

You replied to this message on 05/10/2022 13:32.

Reply Reply All Forward

Tue 04/10/2022 18:50

Hi Ellie,

I sincerely apologise for the delay in coming back to you. I took your amended scheme back to our case conference today and unfortunately it was not supported.

The reasons for this are:

- This site is on a prominent corner location and adding any extension on this site would be visible in both long and short views from Kilburn High Road and Messina Avenue.
- The design, size, scale, form and use of materials of the new extension would not be considered appropriate in this location. The extension at the fourth floor level juts out from the building line, it's very prominent on the roof and appears as a standalone feature which is not in keeping with the host building or the surrounding area.

Overall, the proposed roof extension, by reason of its, design, scale, form and materials would be detrimental to the character and appearance of the host building and the surrounding area. The proposal would therefore be contrary to policies D1 and D2 of Camden Council's Local Plan 2017, Design CPG and to the National Planning Policy Framework 2021, the London Plan 2021.

Given the above we cannot support this application and the applicant can either choose to withdraw this application or take a refusal and try the application at appeal. Please let me know how the applicant would like to proceed.

Kind regards,

Jaspreet Chana
Senior Planner
Pronouns: She/Her/Hers

Telephone: 0207 974 1544



From: Ellie Liggins-Hughes <Ellie.Liggins-Hughes@pegasusgroup.co.uk>
Sent: 05 October 2022 13:32
To: Jaspreet Chana <Jaspreet.Chana@camden.gov.uk>
Cc: Alex Bushell <Alex.Bushell@camden.gov.uk>; David Onions <David.Onions@pegasusgroup.co.uk>
Subject: RE: 2022/0644/P 232 Kilburn High Road

Good afternoon Jaspreet,

That is very disappointing especially given that this form of extension in terms of scale, location and materials is common both within the immediate area and in London as a whole.

If you believe there is nothing else we can produce/amend which would address the Council's comments then please proceed with a refusal.

Kind regards,
Ellie

Ellie Liggins-Hughes
Planner

E Ellie.Liggins-Hughes@pegasusgroup.co.uk
M 07938 484623 | DD 0121 272 7389 | EXT 3230 | T 0121 308 9570
5th Floor, 1 Newhall Street | Birmingham | B3 3NH



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Appendix D: The National Club Official List Entry

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1379255

Date first listed: 05-Feb-1991

Statutory Address 1: THE NATIONAL CLUB, KILBURN HIGH ROAD

Location

The building or site itself may lie within the boundary of more than one authority.

County: Greater London Authority

District: Camden (London Borough)

Parish: Non-Civil Parish

National Grid Reference: TQ 25039 84172

Details

CAMDEN

TQ2584SW KILBURN HIGH ROAD 798-1/58/990 (East side) 05/02/91 The National Club

II

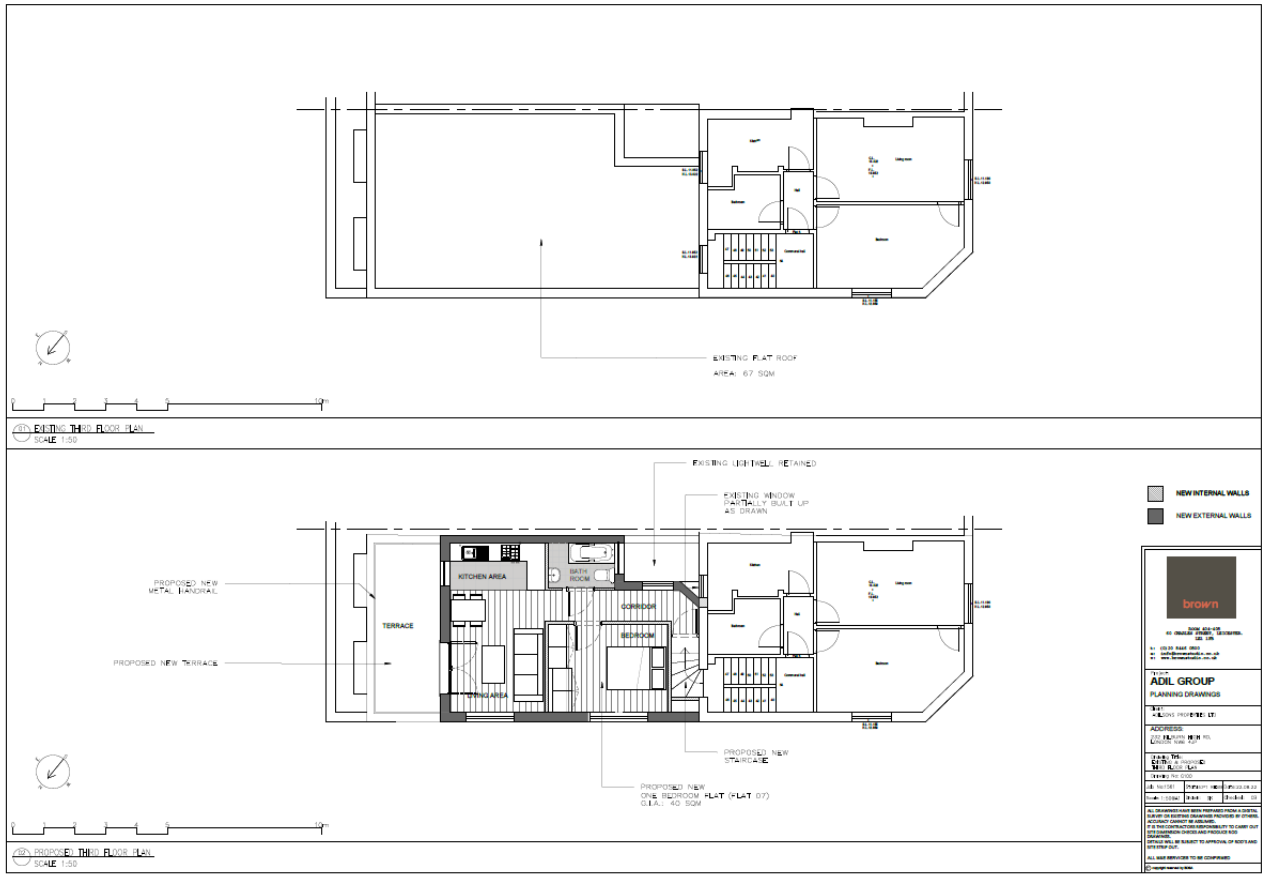
Formerly known as: The Grange Cinema KILBURN HIGH ROAD. Former cinema, now club premises. 1914. By Edward A Stone. Stucco, channelled to ground floor. Red and plum coloured brick returns and rear. Slate mansard roof with terracotta cresting; green copper dome surmounted by lantern with cupola above entrance bays. PLAN: rectangular plan on island site. EXTERIOR: 2 storeys. 8 bays to main road plus 3 bay canted corner with main entrance to right. Various doorways to ground floor. Entablature with projecting cornice at 1st floor level. 1st floor entrance bays with round-arched windows having margin glazing with stained glass and keystones flanked by channelled pilasters supporting a projecting cornice and parapet with recessed panels. Symmetrical 1st floor facade to main road with five 5-light windows with patterned glazing bars and stained glass flanked by channelled pilasters supporting a parapet. Centre bay slightly projecting with stepped pediment having an enriched plaque inscribed "The Grange". Each end bay with shallow round-arched niche containing a blind rectangular panel and panel inscribed "The Grange Cinema", keystone and stepped pediment with festoons. Right hand return of plum coloured brick with red brick quoins and 6 pilasters rising through 1st and 2nd floors to support a red brick entablature at 3rd floor level; 3rd floor central attic of 4 pilasters with pediment flanked by parapet. Rear and left hand return in similar style but plainer. INTERIOR: dramatic, double-height, top-lit foyer with Adam style enrichment; Ionic columns support, on large console brackets, an oval balustrade to the 1st floor lit by stained glass windows and mirrors flanked by enriched pilasters carrying ribs to central oval blind lantern. 1st floor, gained by wide stair, with ornate panelling and plasterwork and some good 1930s light fittings to circulation areas. Massive auditorium with U-shaped balcony on enriched pillars providing enriched plaster arcade to ground floor. Coved, enriched, panelled plasterwork ceiling with intricate detailing on beams and circular

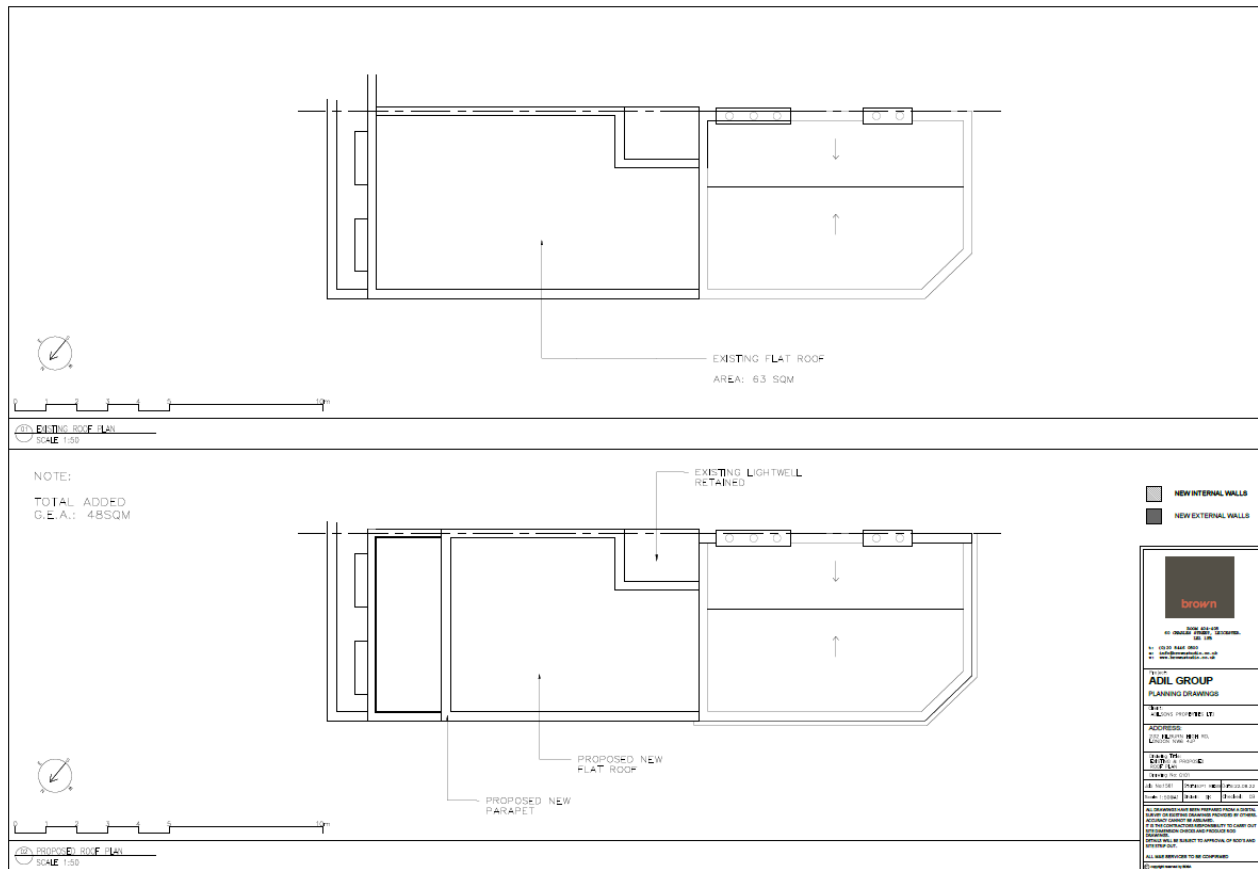
air vents. To either side, balconies arcaded. Proscenium arch flanked by large enriched pilasters; widened by MK Matthews, 1927. Seating now removed and side balconies partly masked by bar partitioning.

HISTORICAL NOTE: designed to seat 2,310, The Grange was the largest cinema in Europe when constructed and one of very few surviving examples nationally that display cinema design at its point of departure from theatre planning.



Appendix E: Drawing Pack









EXISTING STREET VIEW 4



EXISTING STREET VIEW 5



PROPOSED STREET VIEW 4



PROPOSED STREET VIEW 5

	
<small>ADIL GROUP 40, PRINCE STREET, BIRMINGHAM, B2 1BN</small>	
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<small>DATE</small> <small>10/10/2023</small>	
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Appendix F: 1st November Email



RE: 2022/0644/P - 232 Kilburn High Road



Jaspreet Chana <Jaspreet.Chana@camden.gov.uk>
To: Ellie Liggins-Hughes
Cc: Alex Bushell

[Reply](#) [Reply All](#) [Forward](#) [Share](#) [More](#)

Tue 01/11/2022 14:05

[i](#) You replied to this message on 10/11/2022 09:53.

Afternoon Ellie,

Apologies for the delay, my report is almost complete I will be sending it across to senior officers to finalise in the next day or so, I will send you out the decision notice once it has been signed off.

Kind regards,

Jaspreet Chana
Senior Planner
Pronouns: She/Her/Hers

Telephone: 0207 974 1544



Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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