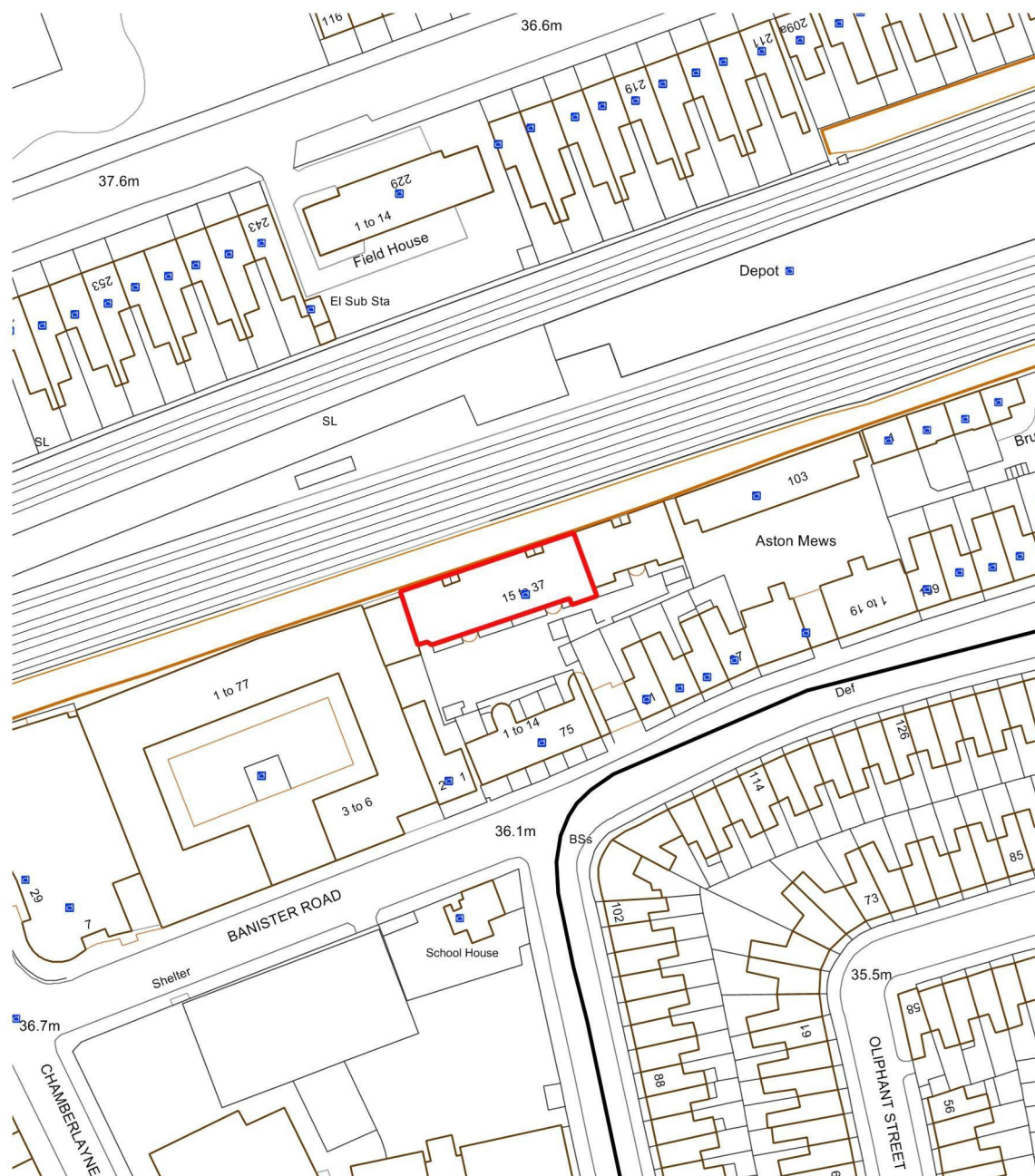




Planning Committee Map

Site address: 36 & 37 Regal Building, 75 Kilburn Lane, North Kensington, London, W10 4BB

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This map is indicative only.

RECEIVED: 25 March, 2014

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: 36 & 37 Regal Building, 75 Kilburn Lane, North Kensington, London, W10 4BB

PROPOSAL: Extension to roof of existing four storey building to provide additional living space for two third floor flats and installation of proposed south facing roof terraces on third and fourth floor.

APPLICANT: Mr Jonny & Mr Dezzi Barret & McCauseland

CONTACT: Design ACB Ltd

PLAN NO'S:

135_PLN_001RevB
135_PLN_002RevB
135_PLN_003RevB
135_PLN_004RevB
135_PLN_010RevB
135_PLN_100RevB
135_PLN_002RevB
135_PLN_200RevB
135_PLN_300RevB
135_PLN_301RevB
135_PLN_400RevB
135_PLN_401RevB
135_PLN_402RevB

RECOMMENDATION

Refuse, for the reasons set out at the end of the report after paragraph 12.

EXISTING

The existing properties are two top floor flats within Regal Building, a part three part/four storey block which forms the rear part of a development completed in 2007/8 to provide six maisonettes, 8 self-contained flats and 23 Work/Live Units.

It is not a listed building nor is it within a Conservation Area. Flat 37 received planning consent for conversion from Work Live to residential in 2011 while flat 36 has demonstrated that the property has been used solely as a residential unit for a continuous period of 4 years or more, which means that the change of use from Work Live is immune from enforcement action. the proposal is, therefore, submitted on the basis that the two application properties are self-contained flats.

PROPOSAL

See dscription above.

HISTORY

11/2208. Full planning permission sought for proposed change of use of 3rd floor unit in rear block of Regal Building from Work/Live unit (use class B1/C3) to self contained bedroomed residential flat (use class C3). Granted 28/12/2011

10/1543. Full planning permission sought for erection of 2 third floor extensions to create 3 flats (2 one bedroom and 1 two-bedroom) to existing block at rear of 75 Kilburn Lane. Refused 11/08/2010 for the following reasons:

1. *The proposed third-floor extension located on the western end of the existing building, by reason of its proximity to the site boundary, overall height and overbearing appearance, would be detrimental to the outlook and amenity of neighbouring occupiers at 1-2 Banister Road, contrary to policies BE9 and H15 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide For New Development"*
2. *The proposed third-floor extension located on the eastern end of the existing building, by reason of its overall height, scale and siting of habitable-room windows in relation to habitable-room windows at the rear of 91-97 Kilburn Lane, would be detrimental to the outlook, privacy and amenity of neighbouring occupiers at 91-97 Kilburn Lane, contrary to policies BE9 and H15 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide For New Development".*
3. *The proposed development, by reason of its failure to provide sufficient amenity space for occupiers of the new flats, would result in unsatisfactory living conditions for potential residents and would be harmful to the amenities of occupiers of the existing flats, who already suffer from a lack of amenity space. The proposal is therefore contrary to policies BE6 and H12 of the London Borough of Brent Unitary Development Plan 2004 and Supplementary Planning Guidance 17: "Design Guide For New Development".*
4. *In the absence of any evidence to the contrary, the layout of the proposed flats and their proximity to the nearby railway lines would be likely to result in unacceptable levels of noise and vibration which would prejudice the living conditions of potential occupiers, contrary to saved policy EP2 of the London Borough of Brent Unitary Development Plan 2004 and the guidance set down in PPG 24: "Planning & Noise".*
5. *The proposed development would result in an increase in the number of units on site, beyond that approved under planning permission 04/1276, without demonstrating adequately that the scheme can make no additional contribution towards meeting the aims of the Borough and the London Mayor regarding affordable housing provision, contrary to policy CP2 of the adopted London Borough of Brent Core Strategy 2010 and policies 3A.9 & 3A.10 of the London Plan (consolidated with alterations since 2004).*
6. *In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure, without any contribution to sustainable transport improvements in the area, increased pressure for the use of existing open space, without contributions to enhance open space, increased pressure on local sports facilities, without contributions to improve local sports facilities, and an increased pressure on education infrastructure, without any contribution to education improvements. As a result, the proposal is contrary to policies CP14 and CP15 of the adopted London Borough of Brent Core Strategy 2010 and Supplementary Planning Document: "S106 Planning Obligations".*
7. *In the absence of a legal agreement to control the matter, the proposed development would generate an increased demand for on-street parking that cannot be accommodated within the locality, which is heavily parked, without being detrimental to the safe and free flow of traffic, contrary to saved policies TRN23 and TRN24 of the London Borough of Brent Unitary Development Plan 2004.*

04/1276. Demolition of existing buildings on the site and construction of 6 residential maisonettes, 8 self-contained flats, 23 live/work units, 18 associated car-parking spaces and 4 underground loading-bays. Granted 27/04/2004.

POLICY CONSIDERATIONS

London Borough of Brent Unitary Development Plan 2004

BE2	Townscape: Local Context & Character
BE6	Public Realm: Landscape Design
BE9	Architectural Quality
H12	Residential Quality - Layout Considerations
H15	Backland Development
TRN23	Parking Standards - Residential Development

**Supplementary Planning Guidance 17:- Design Guide For New Development
Supplementary Planning Document:- s106 Planning Obligations
London Plan (Consolidated with alterations since 2004)
PPG24 Planning and Noise**

CONSULTATION

All neighbouring properties and Network Rail have been consulted. 8 representations in support have been submitted and 4 representations of objection have also been submitted.

The letters of support are on the following grounds:

1. The proposed development is of a small scale compared to the neighbouring 'Gold Building'
2. Development will raise the profile of the building
3. The space will provide for a growing family
4. There will be no further requirement for parking.
5. The applicant has demonstrated at a pre-planning consultation that the proposed development will have to be signed off by a structural engineer.
6. There is no concern regarding rights of light.
7. There will be no overlooking or loss of light.

The objections have been made on the following grounds:

1. The proposals are changing the character of the existing building which was originally proposed as work-live units.
2. Increased height of the building will result in loss of outlook and loss of daylight and sunlight for neighbouring property at 97a Kilburn Lane.
3. The proposal will set a precedent for buildings to continuously grow in size.

At the time of preparing this report Network Rail were still reviewing the information and have not provided any comments. Members will be updated at the meeting.

REMARKS

Principle

1. This application involves the extension of the rear block of a modern development consisting of two 3/4 storey blocks six maisonettes, eight self-contained flats and 23 Work/Live units. The proposed extension would result in the extension of the two existing third floor flats effectively creating two maisonettes to replace the existing flats. Members will note that a proposal to extend the building in a similar fashion in order to create additional flats was refused permission in 2010. The main planning considerations for this application are:
 - Whether the proposed extension would be in keeping with the character and appearance of the existing property.
 - Whether the proposed development would have an acceptable impact on the amenity of neighbouring residents

Character and Appearance

2. The proposed development is considered to be backland development as it is situated behind the main frontage development on Kilburn Lane/Bannister Road. As such the relevant planning policies for considering new development include policies BE9 and H15 of Brent's UDP 2004 and the guidelines set out in SPG17 Design Guide for New Development. Policy BE9 states that new development should be of a scale, massing and height appropriate to their setting, civic function and/or townscape and should respect and preserve the character of existing neighbouring developments while H15 states that special regard will be paid to certain criteria where backland development is proposed. The special criteria include the height of the proposal being subsidiary to the frontage housing and this is a consideration that has been fairly consistently applied by Officers over time.
3. The proposed development includes the addition of an additional floor on top of the existing 4 storey section of the rear block so that it is 3m higher than the existing roof of this section and 4m above the

height of the highest point of the main frontage development. This would make this building higher than all neighbouring properties to the side and front. This height and prominence would be out of keeping with the setting of the building within the wider built environment. At present the built form gradually steps up from the smaller scale terraced housing on Kilburn Lane to the 3/4 storey Regal Building, 4 storey NOKO building to the 8 storey landmark City Heights building on the corner of Bannister Road with Chamberlayne Road. The creation of a 5 storey rear block higher than both neighbouring properties would be visible when viewed from further down Kilburn Lane.

4. To the rear is the railway line where the central depot and sidings combined with the distance from the rear elevations and amenity space serve to ensure that there is no detrimental visual impact from Harvist Road on the opposite side of the tracks. However, the harm caused by the additional storey in relation to the surrounding built environment to the front and side on Kilburn Lane is considered to be unacceptable, as explained above, and is a reason for refusal here.
5. As such the proposed development is of a size and scale which fails to be suitably subsidiary to the existing frontage development as such it fails to comply with the requirements of policies BE9 and H15 of Brent's UDP and the guidelines set out in SPG 17: Design Guide for New Development.

Residential Amenity

6. The proposed additional storey is set back 2.5m from the edge of the existing third floor roof and 5m from the edge of the second floor roof from the frontage of the building. To the rear the proposed extension will have a rear wall flush with that of the existing building adjacent to the railway line. The proposed extension will add approximately 2.5m in height onto the existing recessed third floor of the building.
7. The nearest residential units are the flats within the frontage building of the same development site and the dwellinghouse at Nos 1 and 2 Bannister Road. the dwelling house at No's 1 and 2 Bannister Road has a two storey rear projection situated 18m from the proposed roof terrace at the upper floor level and 15m from the proposed terrace on the existing 3rd floor.
8. The rear elevation of the main frontage block (which includes lower ground floor accommodation) is approximately 20m from the proposed terrace at the third floor level and 24m from the proposed terrace at the fourth floor level.
9. To limit the effect of overlooking the applicants are proposing to have a 2m high boundary timber screen to restrict overlooking. This has already been installed on the existing terraces at third floor level and this would physically restrict any overlooking of neighbouring habitable room windows.
10. However in increasing the physical barrier to prevent overlooking the proposed boundary treatment and additional storey would fail to comply with the 30 degree line assessment used to prevent overlooking from a height of 2m at the rear wall of the neighbouring properties. SPG 17 suggests that where the proposed development is close to a neighbouring building the 30 degree line be used to assess whether the proposed development would be over dominant and have an unacceptable relationship with neighbouring properties. The original development of this two block scheme would have been carefully designed in order to take account of these sorts of considerations, but the changes proposed here mean that the development would now not comply with this guidance in relation to the habitable room windows at the lower ground floor level or the ground floor level rear habitable rooms in the rear projection of no's. 1 and 2 Bannister Road.
11. The proposed development, on balance, is considered to have an unacceptable impact on the amenity of neighbouring residents in terms of the overbearing appearance and restricted outlook contrary to planning policy BE9 of Brent's UDP 2004 and the guidelines set out in SPG 17.

Conclusion

12. The proposed additional storey with roof terraces at third and fourth floor level would be over dominant when viewed from neighbouring properties and would fail to be suitably subservient to the frontage development on Kilburn Lane contrary to planning policies BE9 and H15 of Brent's UDP 2004 and the guidelines set out in SPG 17.

RECOMMENDATION: Refuse Consent

CONDITIONS/REASONS:

- (1) The proposed erection of an additional storey, with roof terraces at third and fourth floor level, would by reason of its size, bulk and siting, result in an over dominant and overbearing form of development when viewed from neighbouring properties. Furthermore, the extension, by reason of its height when considered in relation to what is around would fail to be suitably subservient to the frontage development on Kilburn Lane. As a result, the proposal would have a detrimental impact on the visual amenity of neighbouring residents and would also be out of keeping with the character and appearance of existing developments, contrary to planning policies BE9 and H15 of Brent's UDP 2004 and the guidelines set out in adopted SPG 17 "Design Guide for New Development".

INFORMATIVES:

None Specified

Any person wishing to inspect the above papers should contact Robin Sedgwick, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5229