



Planning Committee Map

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

© Crown copyright and database rights 2011 Ordnance Survey 100025260



This map is indicative only.

RECEIVED: 14 October, 2014

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

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

PROPOSAL: Rooftop extension and internal alterations to provide additional living accommodation to 2 x existing third floor residential properties.

APPLICANT: Mr Dezzi McCausland

CONTACT: Design ACB Ltd

PLAN NO'S:

See Condition 2.

RECOMMENDATION

Grant Permission.

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 above.

HISTORY

14/1412. 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. Refused (at committee) 21.08.14

- 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".*

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

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
TRN24	On-Street Parking
EP2	Noise and Vibration

Supplementary Planning Guidance 17:- Design Guide For New Development London Plan (Consolidated with alterations since 2004)

CONSULTATION

All neighbouring properties and Network Rail have been consulted. 9 representations in support have been submitted and 2 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:

Objection	Officer Response
The use the roof between the two properties resulting in noise and disturbance.	There is an existing roof terrace on the flat roof of the apartment below. This was not previously a reason for refusal at the August committee.
Loss of light and outlook to rear facing kitchen and bedroom windows to 14 Regal Building.	In respect of the flats within the Regal Building, the proposal would fully comply with the Councils 30 degree assessment when measured from the rear facing habitable room windows of this property as such there would be no material loss of light or outlook to this property (see Para 8).

Network Rail: No objection subject to a condition.

REMARKS

Background

1. This is a revised proposal following a similar application that was refused at the August Planning Committee. Since this time the application has been amended as follows:

- Increased set back from the building below by 1 (from 2.5m to 3.5m);
- Reduction in the width of the extension by 1.2m; and
- Minor reduction in the overall height of the extension.

Principle

2. 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. A proposal to extend the building in a similar fashion in order to create *additional* flats was refused permission in 2010. As the proposed seeks to enlarge existing units only, 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; and
- Whether the proposed development would have an acceptable impact on the amenity of neighbouring residents.

Character and Appearance

3. 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 consistently applied by Officers over time.

4. To the rear is the railway line where the central depot and sidings, which 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. Given the small reduction in the height and the reduction in the width as well as the increased set back from the front elevation of the host building, the proposal would no longer result in any material harm to the surrounding built environment when viewed from Kilburn Lane. As such the proposed development is considered to be of a size and scale which would be suitably subsidiary to the existing frontage development as such it complies 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

5. The proposed additional storey is set back 3.5m from the edge of the existing third floor roof (whereas 2.5m was previously proposed) and 6m 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 2.7m in height onto the existing recessed third floor of the building (a reduction of 0.25m from the previous proposal).

6. The nearest residential units are the flats within the frontage building of the same development site and the dwellinghouse at No.'s 1 and 2 Bannister Road. The dwelling house at No's 1 and 2 Bannister Road has a two storey rear projection situated 19m from the proposed roof terrace at the upper floor level and 15m from the proposed terrace on the existing 3rd floor.

7. 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. 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.

8. The revised plans demonstrate that the extension would comply with the 30 degree guidance contained in SPG17 in respect of the rear facing windows of the frontage building. With respect to 1-2 Bannister Road, whilst it is not noted that it would not comply with the guidance it is not considered that the extension would be materially harmful than the existing visual relationship between this property and the application proposal given the 3.5m set back described above. 1.5m high privacy screens are proposed to the terrace areas and these have been factored into 30 degree line assessment above. As such the proposal would not be materially harmful to residential amenity in accordance with policy BE9 of the UDP.

Conclusion

9. The previous proposal was considered to be materially harmful to residential amenity and the character and appearance of the area. The changes outlined above have addressed the harm previously identified so that this is now within an acceptable tolerance so as not to have a significant harm on the character and appearance of the area and residential amenity. It is noted that there have been 9 representations received in support of the proposal. Therefore, on balance, the revised proposal is considered acceptable for the reasons outlined above.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

- (1) The proposed development is in general accordance with policies contained in the:-

Brent Unitary Development Plan 2004
Council's Supplementary Planning Guidance 5 - Altering and Extending Your Home

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Housing: in terms of protecting residential amenities and guiding new development

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

- (2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

135_PLN_001; 135_PLN_002 Rev E; 135_PLN_003 Rev D; 135_PLN_004 Rev D;
135_PLN_010 Rev D; 135_PLN_100 Rev G; 135_PLN_200 Rev G; 135_PLN_300;
135_PLN_301 Rev G; 135_PLN_400 Rev G; and Planning Statement (Rev B).

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

- (3) Details of materials for all external work (including the proposed privacy screens) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- (4) No development shall take place until details of a Risk Assessment and Method Statement (RAMS) has been submitted to and approved in writing by the Local Planning Authority. The RAMS shall demonstrate that the works on site do not impact the safety, integrity, operation or performance of the railway and any future maintenance works can be undertaken wholly within the developer's land ownership and must not encroach onto Network Rail land or over-sail Network Rail air-space.

Reason: In the interests of railway safety.

INFORMATIVES:

- (1) The provisions of The Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet setting out your obligations can be obtained from the Communities and Local Government website www.communities.gov.uk
- (2) The applicant must ensure, before work commences, that the treatment/finishing of flank walls can be implemented as this may involve the use of adjoining land and should also ensure that all development, including foundations and roof/guttering treatment is carried out entirely within the application property.

- (3) Network Rail is concerned that there is potential for works to encroach onto the operational railway itself and its air-space, this is of concern as there are overhead electrified lines along the line, and there is the potential for induced voltages up to 20m from the overheads themselves. The applicant is advised to submit a risk assessment and method statement (RAMS) to the Network Rail Asset Protection Team prior to applying to discharge condition 4. Any access to Network Rail land must be requested via the Network Rail Asset Protection Team and the developer would be liable for all costs (including any asset protection presence on site, any look-out costs and any possession costs). The RAMS should also be submitted to AssetProtectionLNWSouth@networkrail.co.uk at least 8 weeks before works commence on site and no works are to commence until the Asset Protection team has approved the RAMS. In addition Network Rail have advised that a Basic Asset Protection Agreement (BAPA) may be required.

Any person wishing to inspect the above papers should contact Matthew Harvey, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 4657