

## Supplementary Information Planning Committee on 10 February, 2016

## Agenda Item 06

Case No. 15/3695

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Location	271-273 Kilburn High Road, London, NW6 7JR
Description	Demolition of existing building and erection of a part four, part five storey building comprising an A3 unit (restaurant/cafe) on the ground floor and 7x self-contained flats (7 x 1 bed) on the upper floors with associated bin and cycle storage

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Members visited the site on Saturday 6 February.

There were two issues raised concerning the impact of the development on the living conditions of neighbouring residents and the operation of the Tricycle Theatre:

1. Risk of overlooking from proposed Flat 7's roof terrace
2. Impact on daylight and sunlight to the adjacent flats on 275 Kilburn High Road (specifically Flat 5, the second floor flat facing the flank of the proposal) and on the Tricycle Theatre office and entrance corridor.

### 1. Overlooking towards 275 Kilburn High Road

The Applicant has submitted details to show a 1.2m deep planter along the side facing the units on 275 Kilburn High Road, however in response to Member's queries a privacy screen could be located along this section. This could be secured by amending the proposed landscape condition.

### 2. Daylight and sunlight

Officers accept that there will be some impact on the second floor flat facing the flank facade (Flat 5, 275 Kilburn High Road) but consider on balance this impact to be limited and not sufficient to merit a refusal. The affected flat at 275 Kilburn High Road faces South East and light to it is already hindered in the early morning by the front part of that development and by the balcony above it, meaning it is most likely to be slightly affected for a period from mid morning. During the afternoon and evening, it is not likely that the flat will be affected due to the orientation of the subject site.

The Daylight/Sunlight Analysis has been undertaken by the Applicant. There have been two models/assessments done; one assessment including balconies and one omitting balconies. The methodology for assessing the impact on 275 Kilburn has used Vertical Sky Component (VSC) and the No-Sky Line Contour (NSC). For daylight, the Annual Probable Sunlight Hours (APSH) method is used.

Within Daylight/Sunlight reports in more dense urban areas, balconies are often omitted as windows directly below typically receive less light. BRE Guidance states that the effect of a proposed scheme on an existing building should be undertaken with and without the balcony in place to determine whether the proposed development or the obstruction caused by the balcony is the main factor in the relative loss of light to the subject window (*Updated Guidance on Daylight and Sunlight – October 2011*).

With solid balconies (the model used for this particular test is unable to factor in a 'mesh' style balcony, which these are) the two windows to Flat 5 fail the guidance for the first test.

With balconies omitted, the VSC and NSC assessments show all windows and rooms have shown full compliance with the BRE criteria. In addition, the APSH assessment for sunlight has shown that all rooms relevant for assessment show full compliance with the recommendations of the BRE guide.

To this end, the two comparative assessments confirm that when balconies are omitted the appropriate guidance is met and when the balconies are included, there is a marginal failure of two windows to Flat 5. The clear conclusion is that the existing balconies have a detrimental affect on the daylight to Flat 5 and therefore contribute towards the marginal failure.

Officers stress that the BRE standards are guidance only and can be applied flexibly especially in denser urban areas. The numerical figures within the report should not be rigidly applied but used as part of a full evaluation of

the site including the site context, the existing and proposed massing, the scale and wider objectives of the development plan.

Your Officers believe that the proposals, on balance, are acceptable and whilst the BRE Sunlight/Daylight assessment does not satisfy every scenario, it shows strong conformity and with the broader assessment of the proposals.

Officers understand the concerns of the Tricycle Theatre; however the development is located to the north of the Theatre and will not be overshadowed by the proposals and the roof lights serve a corridor where the primary use is travel between two points. Within the rear façade of the main theatre building are south west facing windows which, being non-residential, are again considered less sensitive. The development adjoins the boundary in this location but does not directly block these windows such that they will maintain the long unobstructed sky view (over the top of the light wells considered above) to maintain diffuse daylight and sunlight levels. It is not considered that the proposal will unduly affect the theatre's operation in this regard.

**Recommendation: Remains approval**

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