

**Committee Report**  
**Planning Committee on 16 September, 2009**

**Item No.** 2/08  
**Case No.** 09/1312

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**RECEIVED:** 10 June, 2009

**WARD:** Queen's Park

**PLANNING AREA:** Kilburn & Kensal Consultative Forum

**LOCATION:** GEKO HOUSE, Kimberley Road, London, NW6 7SG

**PROPOSAL:** Creation of second floor to existing building to provide 5 self contained flats with terraces to rear and side, 3 new ground floor windows and refuse store doors to rear of existing warehouse and new shared entrance at rear, blocking up of door and window at ground floor and window at first floor side, provision of 5 car parking spaces and refuse & bicycle storage to rear of site

**APPLICANT:** The Gerrard Trust

**CONTACT:** Signet Planning Ltd

**PLAN NO'S:**

001	002
003	004
010 Rev A	011 Rev A
012 Rev C	013 Rev C
020 Rev C	021 Rev B
022 Rev B	

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**RECOMMENDATION**

Grant planning permission subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Director of Environmental & Culture to agree the exact terms thereof on advice from the Borough Solicitor

**SECTION 106 DETAILS**

The application requires a Section 106 Agreement, in order to secure the following benefits:-

- Payment of the Council's legal and other professional costs in (a) preparing and completing the agreement and (b) monitoring and enforcing its performance
- A financial contribution of £27,000 (£3000 per bedspace) due on Material Start and index-linked from the date of agreement to be used towards the provision of sustainable transportation, education, open space and sport within the locality.
- Join and adhere to the Considerate Contractors scheme.

And, to authorise the Director of Environment and Culture, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

## EXISTING

The subject site, located on the south-eastern side of Kimberley Road, is occupied by a two-storey mixed use (office/warehouse/showroom) building, known as Geko House. Towards the rear of Geko House, lies the Hoopers Yard site which previously formed part of the Geko House site. Access to the Hoopers Yard site is maintained via a shared side access road. The Hoopers Yard site has recently been redeveloped (ref 03/1733) to provide a four-storey building comprising of one office suite and fourteen self-contained flats. Towards the north on the opposite side of Kimberley Road lies Kimberley Court a four-storey building consisting of a mixture of commercial, work/live and residential units.

## PROPOSAL

The proposal seeks planning permission for the erection of a additional storey, at second floor level, to Geko House to provide 5 self contained flats with terraces to the rear and side of the building. The proposal will also involve alterations to window openings and doors to the existing building and the provision of 5 car parking spaces, two electric car spaces and refuse & bicycle storage to the rear of the site

## HISTORY

The most relevant planning site history relates to a recent planning application (ref 08/1143) for the erection of an additional storey to Geko House to provide four self-contained flats was refused permission for the following reason.

*"The proposed residential development, by virtue of its location of windows and balconies and its proximity to the neighbouring properties and their habitable room windows is likely to have significant overlooking and privacy impact detrimental to the amenity outlook, light and living conditions of the neighbouring occupiers and the future occupiers of the development contrary to policies BE9 of the Unitary Development Plan and supplementary planning guidance no.17."*

The current application for a similar development seeks to address the previous reason for refusal.

## POLICY CONSIDERATIONS

### The London Borough of Brent Unitary Development Plan 2004

The development plan for the purpose of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004. Within that plan the following list of policies, which have been saved in accordance with the Planning and Compulsory Purchase Act 2004, are considered to be the most pertinent to the application.

<b>BE2</b>	Townscape:Local Context & Character
<b>BE3</b>	Urban Structure: Space and Movement
<b>BE5</b>	Urban Clarity & Safety
<b>BE6</b>	Public Realm: Landscape Design
<b>BE9</b>	Architectural Quality
<b>H11</b>	Housing on Brownfield Sites
<b>H12</b>	Residential Quality - Layout Considerations
<b>TRN22</b>	Parking Standards - Non-Residential Developments
<b>TRN23</b>	Parking Standards - Parking Standards Residential Developments
<b>TRN34</b>	Servicing in New Developments

## Supplementary Planning Guidance

Supplementary Planning Guidance 17:- Design Guide for New Development  
Supplementary Planning Document:- s106 Planning Obligations

## **SUSTAINABILITY ASSESSMENT**

Although the scale of development proposed does not reach the threshold that would require the submission of a Sustainability Assessment, the applicant has submitted a Sustainable Development Checklist alongside the application. The applicant has indicated that they believe the development would achieve a sustainability rating of 58% (very positive).

## **CONSULTATION**

### **External**

Consultation letters, dated the 22nd June 2009, have been sent to 46 neighbouring owner occupiers. In response 12 letters of objection have been received. The concerns of objectors include:-

- The proposed development will increase traffic congestion and parking problems in the locality.
- The proposed development will erode views from Kimberley Court
- The proposed development would create a lack of privacy and reduce light to occupants of Kimberley Court
- The proposed development would harm the privacy and security of Flat 11 at Hoopers Yard.
- The proposed development will reduce property values in the surrounding area.
- The additional storey has no architectural relationship or consistency with the existing building or surrounding area.
- There are already a number of unoccupied flats within the locality of the development.
- The construction works would harm the amenity of neighbouring occupiers.
- That had the proposal been put forward at the same time as the development of Hoopers Yard there would have been a requirement for affordable housing.

### **Internal**

The Council Transportation Unit have been consulted on the application and have raised no objection to the proposal subject to the imposition of conditions and the satisfactory completion of a s106 agreement. The comments of the Transportation Unit are summarised in the 'Remarks' section of this report.

The Council's Landscape Design Team have raise some concerns regarding the amount of amenity space provided to the units. This issue is addressed in the 'Remarks' section of this report.

The Council Environmental Health Unit have raised no objection to the proposed development.

## **REMARKS**

### **Urban Design**

Geko House is a two-storey brick built industrial building located on the south-eastern side of Kimberley Road. In design terms the proposal would involve the erection of an additional storey and the alteration and refurbishment of the existing building facade.

The additional storey represents an contemporary addition which intends to introduce an element of modern design that would respect the character, rhythm and proportions of the existing building. The buildings within the surrounding area consist of examples of both modern and traditional architecture and within this context the principle of a contemporary addition to the Geko House is considered appropriate to the character of the surrounding area.

The buildings within the immediate vicinity of Geko House are of varying heights with Kimberley Court, opposite, and Hoopers Yard, to the rear, both having four-storeys whilst the adjoining property, Stirling House, is set over one and two-storeys. Even with the proposed introduction of an additional storey Geko House would remain generally subservient within the streetscene. Given the general scale of buildings in the surrounding area, in design terms, it is considered that the

principle of an additional storey to Geko House would be appropriate within the context of the surrounding area.

#### Quality of Residential Accommodation

The proposed development envisages the formation of five flats (four 2-bedroom and one studio flats) within the additional storey above the commercial space within Geko House. The flats would have a self-contained access from Kimberley Road via a stairwell. A lift is also proposed within the building but this will be shared between the residential and commercial occupants. Access from the lift to the proposed flats on the second floor would be subject to a residents key control.

In terms of external amenity space each of the proposed 2-bedroom flats would have access to a roof terrace. The proposed studio flat would not have any external amenity space. The proposed development fails to provide the minimum 20m<sup>2</sup> of external amenity space per unit suggested in SPG17. However, where minimum amenity spaces standards cannot be met SPG17 also sets out a number of measures that may provide adequate mitigation. These include increased unit floor sizes and s106 contributions towards the local public realm and open space.

All of the proposed flats exceed the minimum floor space standards set out in SPG17 and the applicant has agreed in principle to meet the Council's s106 standard charge requirements which includes a contribution towards open space. Furthermore, the subject site is located within close proximity to the existing open space at Paddington Cemetery and to the playground at the junction of Kimberley Road and Willesden Lane, which is due for refurbishment before the end of the fiscal year. On balance, it is considered that, in this particular case, the lack of on-site amenity space provision would be adequately mitigated through the above measures.

In general, the habitable rooms within the proposed flats would have an adequate level of outlook and daylight provided by a combination of windows and roof-lights. However, in attempting to resolve the issue of privacy, which is considered below within the context of the impact on adjoining occupiers, both of the bedrooms to Flat B and one of the bedrooms to Flat C would have restricted outlook. Outlook to these bedrooms would be provided by a side facing window recessed within the elevation. Despite the restricted outlook to these bedrooms, natural daylight, provided by the side facing windows, windows with obscured glazing and rooflights is considered adequate. On balance, as the restricted outlook is to bedrooms, the units are generously sized and natural daylight levels are appropriate it is considered that the issue of restricted outlook would not unreasonably harm the overall standard of accommodation proposed.

#### Impact on Neighbouring Occupiers - Kimberley Court

Kimberley Court is a mixed use 4-storey building located opposite Geko House on the north-western side of Kimberley Road. According to the most recent planning permission (04/3658) Kimberley Court consists of commercial units (Use Class B1) on the ground floor with a mixture of residential and live/work units across the upper floors. As such, it is considered that habitable room windows to Kimberley Court only exist at first floor and above.

In terms of privacy, the windows to the front elevations of Geko House and Kimberley Court are separated by a distance of at least 14m, as defined by the width of the road. SPG17 sets out that acceptable distances between front elevations should normally be determined by the character of road widths in the area. It has been confirmed by the Council's Highway Engineer that Kimberley Road is a similar width to that of roads in the surrounding area.

Given the 14m separation between Kimberley Court and Geko House, it is not considered that the additional storey would unreasonably harm the outlook of Kimberley Court residents. As Members will be aware, in general a right to any particular view is not usually a material planning consideration.

In terms of daylight and sunlight, the proposed additional storey would be in general accordance with the guidance contained in SPG17 in that it would not breach a line of 30 degrees taken from the centre of the lowest habitable room windows at first floor level on Kimberley Court.

#### Impact on Neighbouring Occupiers - Hoopers Yard

Hoopers Yard is a predominantly residential four storey-building located towards the rear of Geko House, consisting of an office unit and undercroft car-parking at ground floor level with 14 flats across the upper floors. The proposed additional storey to Geko House is unlikely to have any significant impact on the occupiers of Hoopers Yard, with the exception of Flat 11 on the second floor, as there are no habitable windows or balconies facing the proposal. Flat 11 of Hoopers Yard has two habitable room windows and a roof terrace that would face the proposed development.

In terms of privacy, SPG17 suggests that rear facing habitable room windows should be located a distance of at least 10m from the rear boundary of adjoining residential sites in order to maintain adequate privacy unless it can be demonstrated that privacy can be maintained through design. The additional storey to Geko House contains three habitable windows that would be located approximately 7m from the terrace of Flat 11 Hoopers Yard. However, the transparent element of these windows would be side facing preventing direct overlooking towards the terrace of Flat 11. The proposed terrace to Flat C of Geko House would be located approximately 10m from the edge of the terrace to Flat 11 Hoopers Yard which would satisfy the guidance contained in SPG17. Despite general compliance with SPG17 the terrace to Flat C will also be partially obscured by the installation of an opaque glass screen. The windows between the terrace and the living/dining space to Flat C are located approximately 17.5-19m from the window to the kitchen/dining room of Flat 11 Hoopers Yard. SPG17 advises that the minimum direct distance between habitable room windows on rear elevations should normally be 20m to maintain privacy. Whilst the distance between these windows falls slightly below the 20m guidance, given the proposed opaque screening to the terrace and that the windows are angled so that they do not directly face one another and are set at slightly different levels it is considered that the distance, in this case, would be adequate to avoid any unreasonable loss of privacy.

In terms of the impact on outlook and daylight, the relationship between the habitable windows to Flat 11 Hoopers Yard and the proposed additional storey would comply with the 30/45 degree guidance contained in SPG17.

#### Transportation

The proposal would involve the marking out of five full sized parking spaces, including one disabled parking space, and two smaller spaces to be used by electric cars. Kimberley Road is not identified as a heavily parked street and it is also considered that there is overspill capacity for up to six cars to be parked on-street along the frontage of Geko House if required. It is considered that the proposed development would enjoy an adequate level of car-parking that would meet the practical demand of the proposed development without exceeding the maximum car parking standard for the site and unduly encouraging traffic movements along Kimberley Road. Whilst welcoming the introduction of parking/ recharging facilities for electric vehicles the Council's Transportation Unit have suggested a condition requiring the submission of further details of the management arrangements for these spaces.

In terms of servicing the commercial floor space within Geko House, the proposed plans indicate that four units, each with a floor space in excess of 100m<sup>2</sup>, will be provided across the ground and first floors. According to plan standards commercial units of this size should be capable of being servicing by an 8m ridged vehicle as does the existing commercial space within Geko House which could lawfully be used as one unit. However, the applicant has stated that it is likely that creative industry uses would occupy these units and that servicing by larger vehicles would not be required. The Transportation Unit and the applicant have agreed that a condition could be imposed on any permission restricting the servicing of the site to transit sized vehicles. It is considered that this

would improve the existing servicing arrangements which are currently unregulated. The Council's Transportation Unit have also suggested a condition that parking space 3, adjacent to the designated loading area to the rear of Geko House, be marked out for loading only in order to provide a transit sized bay.

The proposed development would provide a covered storage area for 14 bicycles to the rear of Geko House which would satisfy plan standards. A Refuse storage area would also be provided within the rear of Geko House which would be serviced from the access road to the side of the building. The Council's Streetcare Unit have previously expressed their satisfaction with this arrangement which is similar to that of Hoopers Yard.

#### Consideration of Objections

The concerns of objectors relating to traffic and parking, the amenity of adjoining occupiers and urban design have been addressed in the above report.

The objectors from Flat 11 Hoopers Yard have raised concerns regarding the impact of the proposed development on their security. This concern, whilst somewhat unclear, would appear to relate to a loss of privacy in terms of overlooking and noise transmission between the existing and proposed flats. The issue of privacy has been addressed in the above report.

Concerns have been raised regarding the impact of the proposed development on property values in the surrounding area. As Members will be aware, such impacts are difficult to assess or quantify and are therefore not a material planning consideration. Similarly, observations that there are a number of vacant flats in the locality are not considered directly relevant to the determination of this application. It is widely acknowledged that there is a general shortage of housing across the Borough and London as a whole.

Officers acknowledge that any form of building work is likely to cause some level of temporary disturbance to neighbouring occupiers but this is an unavoidable consequence of development. It is recommended that a condition be placed on any permission controlling the hours of work to ensure that any disturbance will be kept to a reasonable level.

The issue of affordable housing liability has been thoroughly investigated by Officers during pre-application discussions with the applicant. It has been confirmed by the Borough Solicitor that the subject site should be independently assessed for affordable housing liability. The proposal falls below the 10 unit threshold that would require an affordable housing contribution.

#### **RECOMMENDATION:** Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 17 :- Design Guide For New Development  
Council's Supplementary Planning Document:- s106 Planning Obligations

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  
Employment: in terms of maintaining and sustaining a range of employment opportunities  
Transport: in terms of sustainability, safety and servicing needs.



## 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) Details of materials for all external work, including samples, 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.

- (3) Notwithstanding the approved plans, prior to occupation of the development the parking space label "3" (indicated on drawing no. 010 Rev A) shall be marked out for "Loading Only" and shall be maintained as such unless agreed in writing by the Local Planning Authority.

Reason: To ensure adequate servicing facilities are maintained to Geko House.

- (4) Further details of the management arrangements for the electric car parking spaces shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of works on site and the development shall be carried out and maintained in accordance with the approved details unless agreed in writing with the Local Planning Authority.

Reason: To ensure satisfactory arrangements for parking on the site.

- (5) The parking spaces shown on the approved plans shall be constructed prior to the occupation of the building and shall be permanently retained and used solely in connection with the use of the site hereby approved.

Reason: To ensure that the approved standards of parking provision are maintained in the interests of local amenity and the free flow of traffic in the vicinity.

- (6) The development hereby approved shall not be serviced by larger than transit sized vehicles.

Reason: To ensure that servicing of commercial element of the site does not conflict with the amenity of residential occupants.

- (7) The windows on the second floor of the building, annotated on the approved plans as having "opaque glass", shall be constructed with non-opening obscured glazing and shall be permanently retained and maintained in that condition thereafter unless the prior written consent of the Local Planning Authority is obtained.

Reason: To minimise interference with the privacy of the adjoining occupiers.

- (8) The roof of the building at first and second floor levels, unless designated as a terrace area on the approved plans, shall not be used as a balcony or sitting out area.

Reason: To preserve the amenity and privacy of neighbouring residential occupiers.

- (9) Further details, including membrane type and planting species, of the 'green roof' as shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site and the development shall be completed in accordance with the approved details.

Reason: To ensure that the proposed development enhances the visual amenity of the surrounding Conservation Area.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

London Borough of Brent Unitary Development Plan 2004  
Supplementary Planning Guidance 17:- Design Guide for New Development  
Supplementary Planning Document:- s106 Planning Obligations  
12 letters of objection.

Any person wishing to inspect the above papers should contact Ben Martin, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5231





## Planning Committee Map

Site address: GEKO HOUSE, Kimberley Road, London, NW6 7SG

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