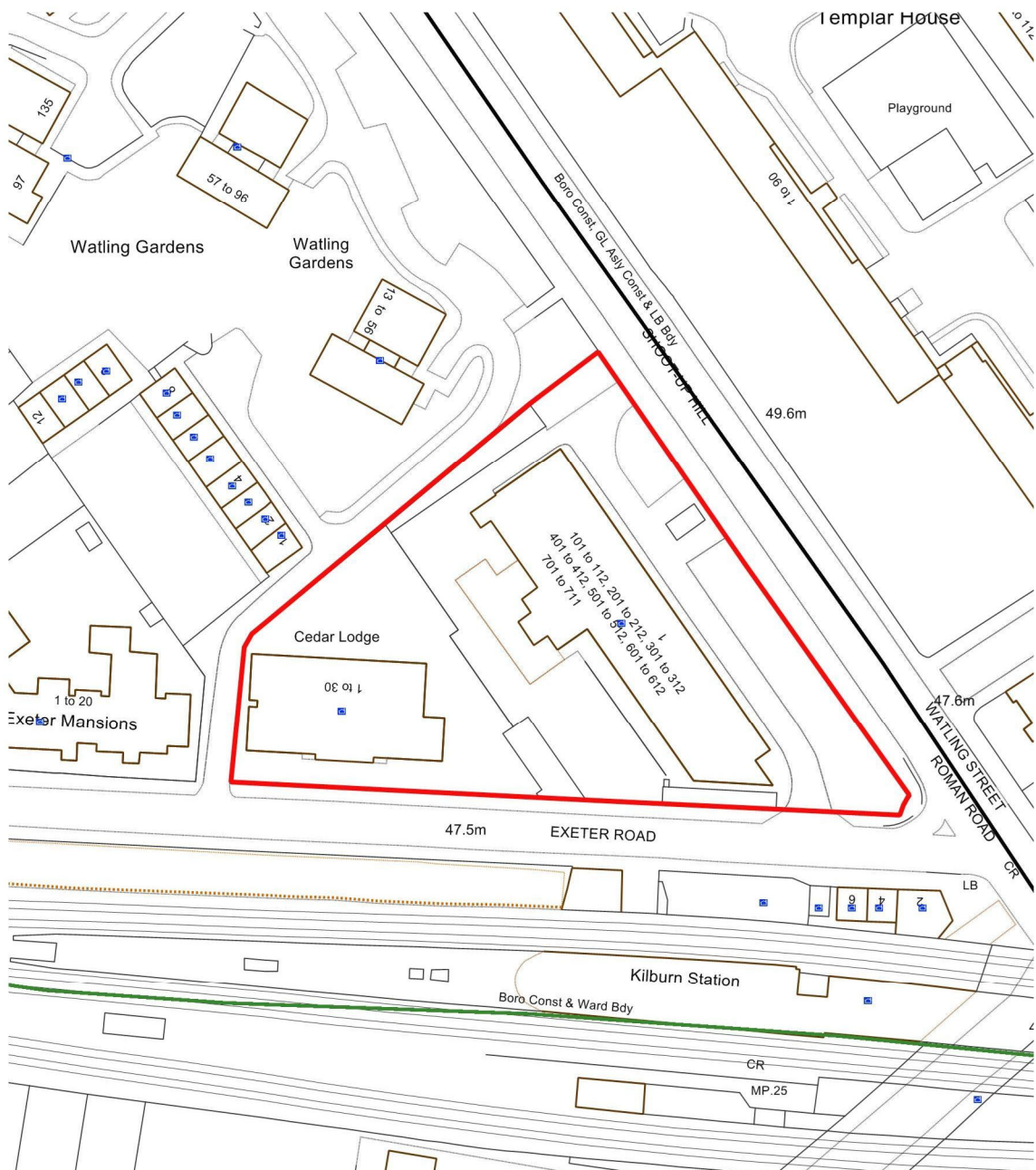
 **Planning Committee Map**
Site address: Flat G01, Jubilee Heights, Shoot Up Hill, London, NW2 3BD
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This map is indicative only.

RECEIVED: 2 September, 2011

WARD: Mapesbury

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: Flat G01, Jubilee Heights, Shoot Up Hill, London, NW2 3BD

PROPOSAL: Retrospective application for garden decking with balustrade at front of flat

APPLICANT: Redab Kilburn Ltd

CONTACT: Alton Design Associates

PLAN NO'S:
Refer to Condition 1

RECOMMENDATION

Grant Consent

EXISTING

The subject site is an eight-storey residential block which has been converted and extended over the past 15 years from its original function as offices. It is located on the corner of Shoot Up Hill and Exeter Road adjacent to the Kilburn Underground Railway Station. Shoot Up Hill forms the borough boundary with London Borough of Camden to the east. The building contains 91 residential units (including the recent conversion of the ground floor from offices to residential flats and the erection of a 6 storey extension), divided as follows: 15 x 1-bed, 71 x 2-bed, 5 x 3-bed. The surrounding uses are predominantly residential although to the south there is a short section of Secondary Shopping Frontage. The property is not a listed building, although its curtilage abuts the Mapesbury Conservation Area (to the rear of Cedar Lodge).

PROPOSAL

Retrospective application for garden decking with balustrade at front of ground floor flat (known as G01).

HISTORY

Relevant planning history

11/1609: Full Planning Permission sought for conversion of 2 x one-bedroom flats on ground floor of Jubilee Heights (Flat Nos. GF6 and GF7) to 1 x three-bedroom self-contained flat. This application was reported to Planning Committee on 6 September 2011 where members resolved to grant planning permission subject to the completion of the Section 106 Agreement.

11/1307: Full Planning Permission sought for erection of a 5-storey building, comprising 5 self-contained flats with roof garden, attached to southern elevation of Jubilee Heights - Refused, 15/07/2011. This application is currently being appealed by the applicants. The reasons for refusal are set out below:

1. The introduction of a five storey extension sited within the southern end of the existing communal amenity space fronting Shoot Up Hill is considered to significantly impact upon this existing amenity space, as it results in the loss of an area of external space which has high amenity value evident through its orientation currently receiving good daylight and sunlight

throughout most of the day; and in addition adversely impacts upon the remaining external space through the removal and screening of sunlight for the majority of the day to this space. The harmful impact is not considered to be sufficiently offset by the provision of a roof garden, particularly as the site is located within an Area of Open Space Deficiency. The proposal is contrary to policies BE9, H12 and H13 of Brent's adopted Unitary Development Plan 2004 and the guidance as outlined in the adopted Supplementary Planning Guidance No. 17 "Design Guide for New Development".

2. The introduction of a five storey extension on the southern end of Jubilee Heights, by reason of its close proximity and excessive depth in relation to the kitchen windows of existing flats at first to third floor levels, is considered to restrict outlook from these windows and have a general overbearing appearance and undue sense of enclosure, to the detriment of the amenities of the occupiers of the existing flats. The impact is exacerbated by the proposed extension resulting in a loss of morning sunlight to these important habitable rooms. This would be contrary to policy BE9 of Brent's adopted Unitary Development Plan 2004 and the guidance as outlined in Supplementary Planning Guidance No. 5 "Altering and Extending Your Home".

3. In the absence of a legal agreement to control the matter, the development would result in additional pressure on transport infrastructure and education, without any contribution towards sustainable transport improvements or school and nursery places, and increased pressure for the use of existing open space, without contributions to enhance open space, sports or make other contributions to improve the environment and air quality. As a result, the proposal is contrary to policy CP18 of Brent's adopted Core Strategy 2010 and policies CF6, TRN2, TRN3 and TRN11 and the adopted S106 Planning Obligations Supplementary Planning Document.

4. In the absence of a legal agreement to control the matter, the proposed development does not provide sufficient affordable housing on site or make satisfactory provision to compensate off site, contrary to Policies 3A.9, 3A.10, 3A.11 of the London Plan 2008, policies CP2 and CP21 of Brent's adopted Core Strategy 2010.

11/0251: Details pursuant to condition 4 (design of window to replace the former fire escape doors and landscaping in front of this window) of full planning permission 10/2860 - Granted, 08/03/2011.

10/2860: Full Planning Permission sought for conversion of ground floor vacant space into additional living accommodation for Flat 1 on the ground floor of Jubilee Heights together with external alterations to doors and glazing - Granted, 30/12/2010.

07/2774: Full Planning Permission sought for conversion of ground-floor serviced offices into 8 self contained dwellings, comprising 5 two-bedroom and 3 one-bedroom flats with ancillary alterations, removal of crossovers on Exeter Road and Shoot Up Hill, and associated landscaping, subject to Deed of Agreement dated 3rd December 2007 under Section 106 of Town and Country Planning Act 1990, as amended - Granted, 14/12/2007.

POLICY CONSIDERATIONS

Brent's UDP 2004

BE9: Architectural Quality

CONSULTATION

Consultation Period: 05/10/2011 - 26/10/2011

Public Consultation

91 neighbours consulted - five letters of objection received on the following grounds:

1. Decking appears as an eye sore and is not in keeping with the main building.
2. The decking has been built on a common walkway.
3. The decking gives the impression that the communal amenity space on this corner of the site is out of bounds.
4. The decking has taken away part of the front garden area.

The above points have been addressed within the remarks section of this report.

The following points are addressed below:

5. *If the proposal is allowed it could set a precedent for similar future developments.*

Each planning application is assessed on its individual merits. It is not considered that the granting one application would set a precedent for future applications.

6. *Planning permission cannot be applied for retrospectively and is against the human rights of other occupiers within Jubilee Heights.*

Planning regulations do allow planning permission to be applied for retrospectively. Retrospective planning permission is assessed in the same way to a planning application for a development that has not yet been built, e.g. the application is determined in accordance with the Statutory Development Plans unless material considerations indicate otherwise.

7. *Applicant has taken away the car park driveway and 8 parking spaces in order to construct the decking.*

The car park entrance located close to the junction of Shoot up Hill and Exeter Road was removed as part of the 2007 application. The car park area for the offices was changed to a communal landscaped area for the existing and proposed flats as part of the 2007 application. This was required to increase amenity space provision on site - see further comments within the remarks section.

8. *Applicant has taken the service charge to build the new flats and make profits.*

This is a matter that needs to be resolved between the freehold and leaseholders of the building, and cannot be resolved through the planning process.

9. *The extensions already built to the main block has overburdened the drains and caused flooding.*

This is a matter that needs to be considered through building regulations and does not fall within the remit of planning regulations.

10. *The applicants have failed to consider the needs of disabled occupiers within the building, including broken lifts, no disabled toilet or bathroom within the leisure facilities and cancelling the rubbish shoot.*

This is a matter that needs to be resolved between the freeholder and leaseholders of the building, and cannot be resolved through the planning process. It is the responsibility of the freeholder to maintain the up keep of the building. Refuse storage facilities are provided within the building which are accessed off the lobby and from the rear car park.

REMARKS

Introduction

This application relates to the ground floor flat within Jubilee Heights known as Flat G01. It formed part of the 2007 application for the conversion of the ground floor from offices to flats. Planning permission was also granted in 2010 for conversion of ground floor vacant space into additional living accommodation for Flat G01, increasing the number of bedrooms from 2 to 3 bedrooms. A condition was attached to the 2010 planning permission requiring a landscape buffer to be planted in front of the window that replaced the doors to the vacant store.

Background

Members will note from the planning history above that the building has undergone a number of significant changes over the past 17 years together with a number of more recent extensions. The building was originally used as a Telephone House. Planning permission was granted in 1994 to convert part of the existing building together with extensions to form 46 residential flats (10 x 1 bed, 30 x 2 bed and 6 x 3 bed). Permission was subsequently granted in 1996 to convert three floors of the offices to provide a further 31 residential flats (2 x 1 bed and 29 x 2 bed).

There have been a number of recent applications granted for additional extensions and alterations to the building. These include the conversion of the ground floor offices into 8 residential flats (3 x 1 bed and 5 x 2 bed) in 2007 and a six storey rear extension to accommodate 6 x 2 bed flats in 2009.

It is apparent from reviewing the planning history that the Council has become increasingly concerned about the intensification of use of the external amenity space as a result of increased population on the site, particularly as the site is within an area of Open Space Deficiency.

Under the Local Planning Authority's current policy guidance as outlined in SPG17, the development is required to have 20sqm of external amenity space per flat. Based on the existing site plan submitted as part of application ref: 11/1307, which included amenity space to the front of Jubilee Heights and around Cedar Lodge and amenity space provided as part of the 2007 application (LPA Ref: 07/2774) for the 6 units at ground floor, the site currently provides 1878sqm of external amenity space which is shared between Jubilee Heights and Cedar Lodge. SPG17 therefore requires a development with this number of units (total of 121 units within Jubilee Heights and Cedar Lodge) to provide a total of 2420sqm of external communal amenity space. The existing provision is substantially below the guidance outlined in SPG17.

It is also important to note that the landscaped area to the front of the building developed as part of the 2007 application (LPA Ref: 07/2775) formed part of a communal amenity space for all of the flats, which is considered to be of high amenity value that makes an important contribution to the overall provision of external amenity space on the site, particularly as it is fairly well screened from the road. The increasing concern regarding the intensification of use of the external amenity space is also highlighted within a number of recent refused applications which sought to build "winged" extensions to the main building, and the impact that these extensions would have upon the quantity and quality of existing communal amenity space.

Proposal

This application seeks retrospective planning permission for decking to the front of Flat G01. The decking will be used exclusively by the ground floor flat and measures approx. 12m wide and approx. 2.5m deep, with its south eastern end splayed. It has a footprint of 28sqm. The height of the decking including the balustrades is 1m high.

Whilst it is recognised that the decking will provide an area of private amenity space for a family sized unit, the impact of the decking upon the remaining area of communal amenity space to the front of the building (which is already deficient in size to meet current amenity space standards for existing residents in Jubilee Heights and Cedar Lodge) also needs to be considered. It should be noted that the first metre in front of the ground floor flat which was meant to provide a landscape buffer as conditioned as part of the 2010 application would not count towards communal amenity space. Therefore the decking takes up approx. 18sqm of communal amenity space.

Whilst in quantitative terms the loss of the communal amenity space is not considered in itself significant as to warrant a reason for refusal, the qualitative value of the remaining communal amenity space should not be adversely impacted upon as a result of the decking being sited within this area. This is because the communal amenity space to the front of Jubilee Heights is considered to be of high amenity value that makes an important contribution to the overall provision of external amenity space on the site. Therefore to offset the loss of communal amenity space, the qualitative value of the remaining communal amenity space should be improved, through the introduction of a couple of semi mature trees. Such details can be conditioned as part of any forthcoming planning consent.

The appearance of the decking currently stands out as a prominent feature visible from the communal amenity space. To soften the appearance of the decking, it is recommended that further landscaping is provided around the decking. This will assist in improving the visual amenities for other residents when using the communal amenity space.

Conclusions

In conclusion, whilst it is acknowledged that the decking will result in a loss of approx. 18sqm of communal amenity space, such a loss can on balance be supported subject to the amenity value of the remaining area of communal amenity space being improved.

Approval is accordingly recommended.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Unitary Development Plan 2004

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

PL/273/201

PL/273/202

PL/273/203

PL/273/204

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

- (2) Notwithstanding the submitted plans otherwise approved, further details of the following shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented within six months of the date of this permission or timescales to be agreed in writing by the Local Planning Authority within 3 months of the date of this decision. Such details shall include:

(a) additional soft landscaping sited around the decking (including species, numbers, densities and location)

(b) provision of two semi-mature trees to be sited within the south western corner of the remaining communal amenity space fronting Jubilee Heights.

Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance and in the interests of local amenity.

INFORMATIVES:

- (1) The applicant is advised that the blue line shown within the site plan is considered to form part of the application site.

REFERENCE DOCUMENTS:

Brent's UDP 2004

Three letters of objection

Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337