

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		05/05/2021			
		N/A		<b>Consultation Expiry Date:</b>		17/06/2021			
<b>Officer</b>				<b>Application Number(s)</b>					
Nathaniel Young				2021/1071/P					
<b>Application Address</b>				<b>Drawing Numbers</b>					
143 Fortess Road London NW5 2HR				Please refer to draft decision notice					
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>			
<b>Proposal(s)</b>									
Erection of an additional storey to above a terrace building in mixed use.									
<b>Recommendation(s):</b>		<b>Prior Approval Required – Approval given subject to S106 agreement</b>							
<b>Application Type:</b>		<b>GPDO Prior Approval - Schedule 2, Part 20, Class AB (New dwellinghouses on terrace buildings in commercial or mixed use)</b>							
<b>Conditions or Reasons for Refusal:</b>		<b>Refer to Decision Notice</b>							
<b>Informatives:</b>									
<b>Consultations</b>									
<b>Adjoining Occupiers:</b>		No. of responses		<b>01</b>		No. of objections		<b>01</b>	
<b>Summary of consultation responses:</b>		<p>Site notice: 28/05/21 - 21/06/21 Letters: 27/05/21 – 17/06/21</p> <p>One objection was received from the occupier of No. 35 Oakford Road raising the following concerns:</p> <ol style="list-style-type: none"> <li>Noise and disruption caused by construction works.</li> <li>Unacceptable appearance.</li> <li>Loss of light/outlook.</li> </ol> <p><u>Officer comment</u></p> <ol style="list-style-type: none"> <li>Construction noise is not material consideration for developments of this nature. Such concerns would however be considered within the Construction Management Report (required as a condition under sub-paragraph AB.2). Noise from demolition and construction works is</li> </ol>							

*subject to control under the Control of Pollution Act 1974. Any building works that can be heard at the boundary of the site must be carried out only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. If this is breached, residents are advised to report this to the Council's noise team for investigation.*

- 2. The proposal has been designed to respond to the appearance and materials of the original building. The form, detailing and materials are considered to be appropriate and is not considered to form an unduly visually obtrusive feature within the street scene and surrounding area.*
- 3. The proposed development would be of a sufficient distance (approx. 33m) from the properties to the rear as to not result in a significant loss of light or outlook.*

### **Site Description**

The application site contains a three-storey terrace building in mixed use situated on the western side of Fortress Road. The building contains a commercial unit at ground floor level with residential units above.

The application building is not listed nor located within a conservation area. It is located within the Kentish Town Neighbourhood Plan Area.

### **Relevant History**

None of relevance.

### **Relevant policies**

**National Planning Policy Framework (2019)**

**The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)**

## Assessment

### 1.0 Proposal

1.1 Prior approval is sought for the erection of an additional storey to facilitate to a self-contained residential flat above a terrace mixed use building.

### 2.0 Prior approval procedure

2.1 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 Schedule 2, Part 20, Class AB allows for Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the terrace mixed use building.

2.2 Part 20, Class AB allows for engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses; works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses; works for the construction of appropriate and safe access and egress to access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases; and works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

2.3 The development is subject to a number of conditions listed within sub-paragraph AB.2. Sub-paragraph AB.2 (1) a) – j) relate to the need for the developer to apply to the local planning authority for prior approval of the authority as to:

- (a) transport and highways impacts of the development;*
- (b) air traffic and defence asset impacts of the development;*
- (c) contamination risks in relation to the building;*
- (d) flooding risks in relation to the building;*
- (e) the external appearance of the building;*
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;*
- (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; and*
- (h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;*
- (i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;*
- (j) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State*

### 3.0 Assessment

#### 3.1 Compliance with Part 20, Class AB conditions:

Class AB: New dwellinghouses on terrace buildings in commercial or mixed use		
If yes to any of the questions below the proposal is not permitted development:		Yes/no
(a)	The building was constructed before 1st July 1948, or after 5th March 2018;	No

(b)	On 5th March 2018 the building was in a use other than— (i) a use or mixed use within paragraph AB(2)(a) or (b); or (ii) a use falling within Class C3 of the Schedule to the Use Classes Order;	No
(c)	The additional storeys are constructed other than on the principal part of the building;	No
(d)	The floor to ceiling height of any additional storey, measured internally, would exceed the lower of— (i) 3 metres; or (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;	No
(e)	The new dwellinghouses are not flats;	No
(f)	The height of the highest part of the roof of the extended building (not including plant) would be greater than 18 metres;	No
(g)	The height of the highest part of the roof of the extended building would exceed by more than 3.5 metres the height of the highest part of the roof of every other building in the row of terrace buildings of which it forms part (not including plant, in each case);	No
(h)	The height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building (not including plant, in each case) by more than— (i) 3.5 metres, where the existing building consists of one storey; or (ii) 7 metres, where the existing building consists of more than one storey;	No
(i)	The existing building has been enlarged by the addition of one or more storeys above the original building, whether in reliance on permission granted under this Part or otherwise;	No
(j)	Development under Class AB(3)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;	No
(k)	Development under Class AB(3)(a) would consist of engineering operations other than works within the existing curtilage of the building to— (i) strengthen existing walls; (ii) strengthen existing foundations; or (iii) install or replace water, drainage, electricity, gas or other services;	No
(l)	In the case of Class AB(3)(b) development there is no existing plant on the building;	No
(m)	In the case of Class AB(3)(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;	No
(n)	Development under Class AB(3)(c) would extend beyond the curtilage of the existing building;	No

(o)	<p>Development under Class AB(3)(d) would—</p> <ul style="list-style-type: none"> <li>(i) extend beyond the curtilage of the existing building;</li> <li>(ii) be situated on land forward of a wall forming the principal elevation of the existing building; or</li> <li>(iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building; or</li> </ul>	No
(p)	<p>The land or site on which the building is located, is or forms part of—</p> <ul style="list-style-type: none"> <li>(i) article 2(3) land;</li> <li>(ii) a site of special scientific interest;</li> <li>(iii) a listed building or land within its curtilage;</li> <li>(iv) a scheduled monument or land within its curtilage;</li> <li>(v) a safety hazard area;</li> <li>(vi) a military explosives storage area; or</li> <li>(vii) land within 3 kilometres of the perimeter of an aerodrome.</li> </ul>	No

### 3.4 Compliance with Paragraph AB.2 (Conditions)

3.5 Where the development proposed is development under Schedule 2, Part 20, Class A, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to –

*(a) transport and highways impacts of the development;*

In line with Policy T2 of the adopted Local Plan, all new developments must be secured as resident parking permit free by means of a Section 106 Agreement. This is required in order to ensure that the future occupants do not add to existing parking pressures, traffic congestion and air pollution in the surrounding area, whilst also encouraging the use of more sustainable modes of transport such as walking, cycling and public transport.

In line with Policy T1 of the adopted Local Plan, cycle parking must be provided in accordance with the standards set out in the London Plan. This would require the provision of 1 cycle parking spaces (1 per one bedroom unit). The submitted drawings indicates that a new Sheffield stand (capable of accommodating 1 cycle) would be provided in the rear secure courtyard, which would meet the number required by the standards. This arrangement is considered to be acceptable, the provision of the cycle stand is to be secured by way of a condition.

*(b) air traffic and defence asset impacts of the development;*

Given the size and siting of the proposed development, no air traffic or defence asset impacts have been identified. As such, the prior approval of the Council is not considered to be necessary.

*(c) contamination risks in relation to the building;*

The application site is not identified as being at risk from land contamination and the history of the building suggests that there have not been any potentially hazardous uses occupying the site for a considerable period of time. As such, the prior approval of the Council is not considered to be necessary.

*(d) flooding risks in relation to the building;*

The proposal would be located on the topmost floor of the subject building and the site is not located in a local flood risk zone. As such, the prior approval of the Council is not considered to be necessary.

*(e) the external appearance of the building;*

The proposal is considered to be subordinate to the host building in terms of scale and appearance. The proposal has been designed to respond to the appearance and materials of the original building. The form, detailing and materials are considered to be appropriate and is not considered to form an unduly visually obtrusive feature within the street scene and surrounding area.

*(f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;*

The newly created flats would be dual aspect. All habitable rooms would be served by at least one window, none of which would be directly north facing. It is considered that the habitable rooms of the new dwellinghouses would receive adequate levels of natural light.

*(g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;*

The proposed development would be of a sufficient distance from the neighbouring properties as to not result in a significant loss of light, outlook or privacy (approx. 33m to Oakford Road properties to the rear and approx. 24m to Fortess Road properties to the front – residential windows). The subject property, after development, would be of a similar height other buildings throughout Fortess Road.

*(h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State,*

The subject building, located on Fortess Road, is not sited in the path of any protected views identified in the Directions Relating to Protected Vistas. The proposal would therefore have no impact on any protected views.

#### **4.0 Recommendation**

4.1 Prior approval required – approval given subject to S106 legal agreement.