

HC/EOM/P23-0432

12 May 2023

Planning Department
London Borough of Camden Council
Camden Town Hall
London
WC1H 8ND

Dear Sir / Madam,

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
King's Court, 523 Finchley Road, London, NW3 7BP
Application for Prior Approval under Schedule 2, Part 20, Class A

Pegasus Group are instructed by Chaing Equities Limited (the 'Applicant') to submit an application for Prior Approval to utilise Permitted Development Rights under Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO 2015) at King's Court, 523 Finchley Road.

Accordingly, the following documentation has been submitted directly London Borough of Camden Council (LBCC).

1. Prior Approval Application Form;
2. CIL Additional Information Form;
3. Plans & Drawings:
 - Site Location Plan (P23-0148_DE_101);
 - Block Plan (P23-0148_DE_201);
 - Existing 3rd Floor Plan (P23-0148_DE_201);
 - Existing Front Elevation (P23-0148_DE_301);
 - Existing Rear Elevation (P23-0148_DE_302);
 - Existing Side Elevation A (P23-0148_DE_303);
 - Existing Side Elevation B (P23-0148_DE_304);
 - Proposed 4th Floor Plan (P23-0148_DE_401);
 - Proposed 5th Floor Plan (P23-0148_DE_402);
 - Proposed Front Elevation (P23-0148_DE_501);
 - Proposed Rear Elevation (P23-0148_DE_502);
 - Proposed Side Elevation A (P23-0148_DE_503);
 - Proposed Side Elevation B (P23-0148_DE_504);
4. Daylight Assessment Report (prepared by 'Hawkins Environmental').

The application fee (£1,670.00) has been paid directly to the Council under separate cover.

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Site Description

The application site comprises King's Court which is a detached, 4-storey purpose-built block of flats.

The building is situated on the south-west side of Finchley Road.

There is a pedestrian entrance to the site from Finchley Road, as well as vehicle and pedestrian access to the rear of the site from Parsifal Road, which leads to a car parking area to the south of the building. This provides parking for 9no. car parking spaces, including 2no. disabled spaces and bike storage to the rear associated with the existing flats.

The site is adjacent to Parsifal House, to the southeast, and there are residential dwellings to the northwest of the site as well as opposite, on the other side of Finchley Road.

Planning History

The planning records obtained from London Borough of Camden Council (LBCC) have revealed that the site has the following planning history, which is of relevance to the current Prior Approval.

Reference	Description	Decision
2022/0138/P	Erection of an additional storey to facilitate to 2 x self-contained residential flats above a detached block of flats.	Granted Prior approval subject to Section 106 Legal agreement 31.08.2022
2020/3511/P	Erection of an additional storey to facilitate to 2 x self-contained residential flats above a detached block of flats.	Granted Subject to a Section 106 Legal Agreement 15.01.2021
2006/5903/P	Demolition of existing building and outbuildings and erection of a 5 storey building comprising 11 flats (1 x 1bed, 7 x 2-bed and 3 x 3-bed) fronting onto Finchley Road and a 2 storey detached dwelling house to the rear of the site and provision of 10 car parking spaces and 16 cycle spaces accessed via Parsifal Road.	Granted Subject to a Section 106 Legal Agreement 03.04.2007

Legislation Background

Class A of the GDPO 2015 allows, under Permitted Development Rights, the construction of "new dwellinghouses on detached blocks of flats", permitting up to two additional storeys, in the case of an existing detached building consisting of three or more storeys.

Further to this, Permitted Development Rights are established for any, or all, of the following:



- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;*
- (b) 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;*
- (c) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;*
- (d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.*

Development Description

As set out in the accompanying drawings, this Prior Approval application seeks a two-storey upward extension of the detached block of flats at 523 Finchley Road, to create 5no. self-contained residential units under Schedule 2, Part 20, Class A of the GPDO 2015.

The proposed dwelling mix comprises 4no. studios and 1no. 3-bedroom flat. Each flat has access to private outdoor amenity space.

The proposed upward extension will principally comprise glass fenestration and white render, to complement the external appearance of the existing block of flats.

In accordance with the regulations, the **Developer Contact Details** – Chaing Equities Limited whose registered office is 37 Airport House Purley Way, Croydon, CR0 1ED. Pegasus Group c/o Chaing Equities Limited can be contacted via email at henry.courtier@pegasusgroup.co.uk.

Resident addresses within the existing building at Kings Court, 523 Finchley Road comprise:

- Flat 1, Kings Court, 523 Finchley Road, London, NW3 7BP
- Flat 2, Kings Court, 523 Finchley Road, London, NW3 7BP
- Flat 3, Kings Court, 523 Finchley Road, London, NW3 7BP
- Flat 4, Kings Court, 523 Finchley Road, London, NW3 7BP
- Flat 5, Kings Court, 523 Finchley Road, London, NW3 7BP
- Flat 6, Kings Court, 523 Finchley Road, London, NW3 7BP
- Flat 7, Kings Court, 523 Finchley Road, London, NW3 7BP
- Flat 8, Kings Court, 523 Finchley Road, London, NW3 7BP
- Flat 9, Kings Court, 523 Finchley Road, London, NW3 7BP
- Flat 10, Kings Court, 523 Finchley Road, London, NW3 7BP
- Flat 11, Kings Court, 523 Finchley Road, London, NW3 7BP

Assessment

Paragraph A.1 under Schedule 2, Part 20, Class A of the GPDO 2015 lists where development is not permitted by Class A. These are identified within Table 1 below and assessed against the application site.



Development is not permitted by Class A if:	Assessment
(a) Above ground level, the building is less than three storeys in height.	✓ The application site is 4 storeys in height
(b) The building was constructed before 1st July 1948 or after 5th March 2018.	✓ As identified in the Planning History section above, the existing building was constructed in the late 2000s
(c) The additional storeys are constructed other than on the principal part of the building	✓ The additional storeys would be constructed on the principal part of the building
(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;	✓ The floor to ceiling height of the proposed extension would measure no more than 3 metres and be consistent with the floor to ceiling of the existing building
(e) The new dwellinghouses are not flats	✓ The new dwellinghouses are self-contained flats (Use Class C3)
(f) 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 by more than 7 metres (not including plant, in each case)	✓ The upward extension measures 6.4m
(g) The height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres	✓ The extended building would not be taller than 30m
(h) Development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development	✓ No support structures must be visible upon completion of the development
(i) Development under Class A.(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;	✓ Works will be limited within the existing curtilage of the building



(j) In the case of Class A.(b) development there is no existing plant on the building	✓ No existing plant is being relocated
(k) In the case of Class A.(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 replacement plant forms part of the proposals
(l) Development under Class A.(c) would extend beyond the curtilage of the existing building	✓ Works with regard to access and egress to and from the new and existing dwellinghouses do not extend beyond the curtilage of the existing building
(m) Development under Class A.(d) would— i. extend beyond the curtilage of the existing building; ii. be situated on land forward of a wall forming the principal elevation of the existing building; or iii. be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building	✓ Proposals to utilise existing refuse and waste facilities located within curtilage of site boundary to the front and 4no. cycle stands to accommodate 8no. bicycles are proposed within the curtilage to the rear
(n) The land or site on which the building is located, is or forms part of—	
i. Article 2(3) land (Conservation Area; AONB; National Park; the Broads; World Heritage Site)	✓
ii. A site of special scientific interest	✓
iii. A listed building or land within its curtilage	✓
iv. A scheduled monument or land within its curtilage	✓
v. A safety hazard area	✓
vi. A military explosives storage area	✓
vii. Land within 3 kilometres of the perimeter of an aerodrome	✓ The nearest airport is London City Airport, which is c. 17km from the application site

Matters for Prior Approval

Transport and Highways



The site is in a sustainable location and has a PTAL rating of 5 (very good). There is a bus stop immediately outside the entrance on Finchley Road and the site is c. 900m from Finchley Road and Frognal Station, 1km from West Hampstead Station and is 1.5km from Finchley Road Station. Accordingly, the proposed dwellings will have access to amenities which are within walking distance and are accessible to public transport. Therefore, it is not anticipated that future residents will not need to be reliant on the use of a car.

It is noted that the existing development incorporates a limited number of on-site car parking spaces (9 including 2 disabled parking bays). Considering the size of the proposed units and sustainable location in terms of public transport options, the development would not incorporate any additional car parking spaces (car-free). Similar to the determination of Prior Approval 2022/O138/P, if deemed acceptable, a S106 Agreement could be entered into ensuring the scheme remains “car free” in perpetuity and residents are restricted from obtaining parking permits to nearby Controlled Parking Zones.

LBCC Local Plan Policy T1 states that the Council will seek to ensure that development provides for accessible, secure cycle parking facilities exceeding minimum standards outlined within the London Plan, as per the below extract (Figure 1).

Use Class		Long-stay (e.g. for residents or employees)	Short-stay (e.g. for visitors or customers)
C3-C4	dwellings (all)	<ul style="list-style-type: none">• 1 space per studio or 1 person 1 bedroom dwelling• 1.5 spaces per 2 person 1 bedroom dwelling• 2 spaces per all other dwellings	<ul style="list-style-type: none">• 5 to 40 dwellings: 2 spaces• Thereafter: 1 space per 40 dwellings

Figure 1 – Minimum cycle parking standards; extract from Table 10.2, London Plan (2021)

The proposed development comprises 5no. self-contained flats (4no. studio flats and 1no. 3-bedroom flat). According to the minimum cycle parking standards stated in the London Plan (2021), 6no. cycle spaces should be provided to accommodate the additional residential flats.

The application proposes 4no. sheffield style cycle stands to accommodate 8no. cycle spaces (including 2no. Visitor/Overflow spaces) to serve the proposed flats and will be suitable for visitor use or as overflow secure parking in the event of the dedicated store being full. The proposed cycle stands are within the secure rear garden on an existing area of hard-standing adjacent to the water meters close to the back door. This is consistent with the minimum cycle parking standards set out within the London Plan, which recommends one space per studio flat and two spaces per three+ bedrooms flats.



It is noted that the Prior Approval application for a single storey upward extension under ref. 2022/O138/P was approved subject to a s106 agreement, which removed the right for residents to apply for a parking permit from the Council. The Applicant is prepared to enter into a similar s10 legal agreement to ensure future residents are prohibited from applying for a parking permit.

Air Traffic and Defence

The application site is not within proximity to an aerodrome, and it is also not within an air safeguarding area. The site is also not near to any assets belonging to, and areas safeguarded by, the Ministry of Defence.

Contamination Risks

The application site is not at risk of contamination and the upward extension does not involve any ground works. Therefore, the proposals will not be affected by any existing contamination issues.

It is noted that any Prior Approval will be conditioned to provide a Construction Management Plan for the development, in which any potential contamination risks will be identified as a result of the development.

Flood Risk

According to the Environment Agency indicative flood map, the application site is located wholly within Flood Zone 1 (low risk).

In any event, the development proposal is to be located on the topmost storey of the building. As such, taking into account the circumstances of the proposal, it is concluded that the development would not result in a flood risk on site. Therefore, Prior Approval would not be required in respect of flood risk on site.

Design / Height

Condition A.2(1)(e) of Schedule 2, Part 20, Class A allows consideration of the external appearance of the building.

The Applicant wishes to draw the Council's attention to the recently approved Prior Approval decision at the Application Site.

The proposed 2-storey upward extension, to which this Prior Approval relates, comprise proposed 4th and 5th floors, which are slightly set back from the front elevation of the existing lower 2nd, 1st and ground floors, which is subordinate to the host building in terms of scale. The proposed 4th and 5th floors also comprise balconies of a similar size to that of the existing lower floors, which is complementary of the host building in terms of scale and appearance.



Similar to what was approved under ref. 2022/O138/P, the proposed upward extension intends to comprise a similar appearance, in terms of design and architectural features, to that of the host building. The materiality of proposed 4th and 5th floors will comprise white render and glass fenestration, as per what is currently utilised on the balconies and side elevations at 1st, 2nd and 3rd floors, which is visually subordinate from the primary elevational treatment of red terracotta tiles. The proposal is therefore sympathetic to the existing building and will be read as a high-quality addition.

Consequently, there is no reason why Prior Approval should be withheld on this matter.

Adequate Natural Light in Habitable Rooms

The additional storeys proposed are fully glazed on the northeastern and southwestern elevations.

A Daylight Assessment has been submitted. This assessment concludes that all habitable rooms within the proposed development have excellent access to daylight and there is no daylight related reason why Prior Approval should not be granted for the scheme.

Amenity of Existing Building and Neighbouring Premises

The proposed windows at 4th and 5th floor level are to be located along the front and rear elevations only, therefore, no windows intend to look onto either 525 or 521 Finchley Road residential buildings and thus, will not create a risk of overlooking into adjacent dwellings. The terraces at proposed 4th and 5th floor levels intend to face to the rear or to the front of the host building, however, they are set back from the building edge, so to avoid risk of overlooking and loss of privacy.

Overlooking from the proposed 4th and 5th storeys will be mitigated due to the location of the proposed handrails being set back from the edge of the building, thus retaining the overhanging eaves at 3rd floor level.

The supporting Daylight/Sunlight Assessment considers the proposed extensions impact upon neighbouring properties.

Impact upon a Protected View

The application site does not fall within nor near to a protect view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State.

Fire Safety

The existing building is not 18m or more in height and therefore Fire Safety is not a matter of Prior Approval consideration.

Conclusion



For the reasons set out above, it is considered the application site benefits from Permitted Development Rights allowing the 2-storey residential upward extension to King's Court, 523 Finchley Road and there is no reason why Prior Approval cannot be granted by the London Borough of Camden.

The recently approved Prior Approval Application (ref. 2022/O138/P) for single storey upward extension was deemed acceptable and compliant with Class A of Part 20, Schedule 2 of the GDPO 2015.

Similar to Prior Approval 2022/O138/P, if this application is deemed acceptable, a S106 Agreement will be entered into which ensures the development is car free; there is a restriction upon parking permits to nearby Controlled Parking Zones; and a Construction Management Plan and Bond are provided prior to development commencing.

The conditions relating to Class A PDR have been addressed within this covering letter for a similar proposal to what was previously granted but for a 2-storey upward extension as opposed to single storey upward extension. It has been demonstrated above that the proposal for a 2-storey upward extension meets the requirements of the GDPO and should be considered acceptable.

I trust the above and enclosed is sufficient to allow the validation of this application and I look forward to receiving confirmation of this in due course. However, should you require any additional information then please do not hesitate to contact me.

Yours faithfully,



Henry Courtier

Director

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