<b>Delegated Report</b>	Analysis sheet		Expiry Date:	02/06/2023	
	N/A / attache	ed	Consultation Expiry Date:	17/07/2023	
Officer		Application N			
Leela Muthoora		2023/1876/P			
Application Address		Drawing Nun	nbers		
34 Meadowbank London NW3 3AY		See decision	notice		
PO 3/4 Area Team Signa	ture C&UD	Authorised C	Officer Signature		
Proposal(s)					
Erection of an additional storey a vents following removal of existing		f level of dwelling	house including ro	ooflights and	
Recommendation(s):	Prior Approval				
Application Type: GPDO	Prior Approval -	Part 1 - Class A	A		

Conditions or Reasons for Refusal:	Pofor to Droft Decision Notice						
Informatives:	Refer to Draft Decision Notice						
Consultations			ı		I		
Adjoining Occupiers:	No	o. of responses	15	No. of objections	15		
Summary of consultation responses:	<ul> <li>the roof pitch</li> <li>The Council stipulat houses to retain the</li> <li>The proposal would neighbouring house</li> <li>The proposal results</li> </ul>	rs/owners at numberals by letter on 20 and so letter on 20 and from occupiers/ore raised:  It with notifications are a precedent; no oks the pitched roof ordevelopment, notify.  In should be considered qualify for permothetic increasing the different entances of lights to the real and of the whole termologies to speculative of the debated by the consider a polication of the permitted of the per	oers 33  June  June  owners  / not content in the service of the service ouring the service our s	and 35 Meadowbar 2023.  Is across Meadowbar arried out according nouses have a roof of development, and an additional storey development rights roof height and breath and front a most out in CPG. Rupwards extension of properties elopment for property planning committee.  In Approval pready approved by prent right (PDR) and premit of issues where we remit of issues where the content of the property planning committee.	nk nk. to and s. aches nd efuse on		

through legislation by the Government to create "a more streamlined planning process with greater planning certainty...through a light-touch prior approval process."

There is an extant grant of prior approval, as there is no mechanism to amend this, the applicants are required to resubmit the application for the upwards extension with the alterations included. The alterations to the additional storey are an increase of its overall height by 0.205m and the addition of roof lights and Mechanical Ventilation with Heat Recovery (MVHR) vents.

#### Consultation

Letters were sent to adjoining occupiers on the morning of the 20th of June. Due to the costs of sending letters, the Council's mailing system defaults to 2nd class delivery via Royal Mail. Neighbours stated they received the letter a week after it was dated, therefore, the formal consultation period was extended to 21/07/2023. It was further extended until 31/07/2023 following the display of two site notices. In effect, any objections received until the date this report is published have been fully considered.

#### **Precedent**

The precedent of roof extensions on the estate has already been set. There are roof extensions within the roof profile within the 3-storey housing typology and at the perimeter housing typology there have been several roof extensions.

The Government brought in permitted development rights (PDR) as an amendment to the GPDO (General Permitted Development Order) ('the order') in 2020. The explanatory note of the Order explains it is intended to provide more space for families and sets out the parameters of the stated restrictions, limitations, and conditions. The legislation does not set out that roofline should not be broken or disrupted. In fact, it sets the limitations above existing roof heights, in this case, allowing an increased height up to 3.5m above the highest part of the terrace, which could be said to allow precedents to take place. Therefore, the principle of the additional storey and its maximum height is set by the GPDO.

Furthermore, while several objections have pointed out this is the first site within the 'central' area of 3-storey houses to extend above the pitch roof, there are various roof additions across the estate. The prevailing heights of the perimeter buildings facing Ainger Road and Primrose Hill Road are four storeys consisting of ground floor and 1st to 3rd floors. There are many examples of full width dormers (roof additions) allowed under previous permitted development rules. This can be seen from the aerial view, facing south, below.



# Overdevelopment

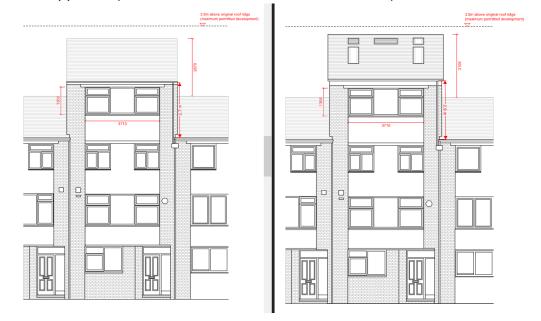
This proposal is for a minor amendment to the previously approved prior approval for an upwards extension which can be built under 2021/4241/P. Therefore, that decision holds significant weight in determining this prior approval application. The only difference to additional storey already granted is an increase to the overall height of 20.5cm, (within the 3.5m limit) with the addition of roof lights and roof vents. The existing roof extension (front and rear dormers), allowed under PDRs in 2007, would be removed.

The estate is not considered high density as it consists of 63 dwelling houses. None are purpose-built flats or taller than four storeys, unlike the surrounding area. The original planning permission for the estate includes no restriction on PDRs that would prevent such development and there are no further protections such as designated heritage assets or Article 4 directions revoking PDRs. Numerous households have exercised their PDRs and built within the limits set by GPDO, as amended, over the years that the estate has existed. Given the context of the prevailing heights of the perimeter buildings, four (above ground) storeys are not considered to change the character of the estate. The design reflects that of the host building at lower levels and the wider terrace, as required by the GPDO.

The existing roof additions (below left) extend 2.1m from the roof eaves to the roof ridge. The extant prior approval (below right) would be 2.8m from the roof eaves (an increase of 70cm from the existing) and the height of the roof would increase to 2.9m (which is within the 3.5m limit of the GPDO). The pitched roof is a requirement of the GPDO.



The proposal under consideration (below right) would be 2.9m at the roof eaves, an increase of 10cm above extant approval (below left) and 80cm increase above existing roof eaves. The height of the roof would be pitched to the roof ridge and would increase to 3.1m, an increase of 20.5cm above extant approval (also within the 3.5m limit of the GPDO).



#### **Existing roof addition disallows PDR**

The roof additions to the front and rear were granted under permitted development rights in 2007. However, the GPDO sets out in the explanatory notes that for the purpose of Class AA 'storeys' excludes any storey below ground level, and any living space within the roof of the dwellinghouse. The restrictive internal floor to ceiling height of 1.5m is one of the reasons for the application.

# Design is unsympathetic

The existing roof addition was approved in 2007 under earlier PDRs and not determined by the local planning authority. PDRs cannot be 'overridden' by local decision makers.

The proposal is in keeping with existing building and rest of estate, as set out in GPDO and this assessment. Many extensions have been implemented on the estate, either through PDRs or planning applications. This is common across estates from this era. The GPDO specifically applies to houses built between 1948 and 2018 which are not protected as heritage assets.

# Daylight / Sunlight

The impact of the additional storey on the neighbouring homes and communal garden has been assessed in the Daylight Sunlight Assessment. Windows south of the proposed development have been assessed and meets the Building Research Establishment (BRE) guidance. The impacts on the communal garden which would be overshadowed would be small. The proposal would not have a significant effect on the daylight and sunlight levels received by neighbouring properties. See paragraph 2.6 in the assessment.

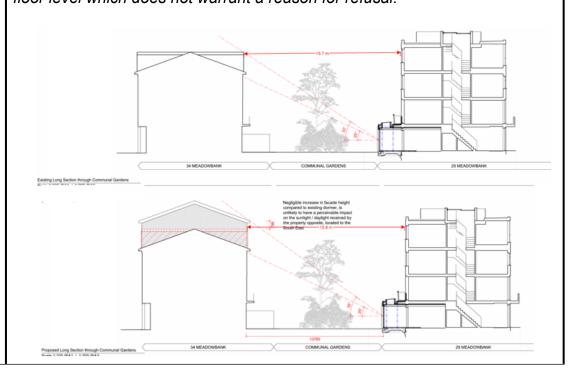
To the rear, the additional storey meets the 25-degree rule, as shown in drawing number PD3230 and below. We can only assess the application as it is, any subsequent application would be assessed on its own merits.

## Overlooking

There is a separation distance of approximately 15.7m between the existing building lines, as shown in the existing and proposed section drawings below. As a result, there are existing levels of mutual overlooking from the existing rear dormer windows and the rear windows of terrace formed of 27-31 Meadowbank.

The proposed section shows the same distance and window positions as the existing and therefore would present a similar view as existing, and therefore not lead to any additional overlooking compared to the existing situation as to warrant a refusal. The windows to the front replace the existing windows so would not result in any greater levels than existing.

The proposed rear windows replace the existing windows within the roof extension (dormer) and the roof lights are a minimum of 2.4m above internal floor level which does not warrant a reason for refusal.



#### Outlook

We can only assess the application as it is, any subsequent application would be assessed on its own merits.

#### **Limitations on applications**

There are no limits to the number of applications that can be made to a site. The Council can only assess what forms part of the application and cannot insist the applicant make the proposal under one application. The recent extant decisions are material considerations that hold weight decision making, but they have been assessed and determined separately. This is a common approach as it allows the applicant to separate out elements in case one element is not approved.

# Structural damage to neighbouring properties

The Party Wall Act 1996 provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings. These are dealt with under different legislative regimes and are not material planning considerations.

#### Construction

A condition of the prior approval includes a report for the management of the construction is provided to the local planning authority (LPA). However, the associated extant permission for the basement and rear extension, includes a planning obligation for a Construction Management Plan (CMP) which the applicant has included the construction for the upwards extension. The applicant is required to consult with neighbours for the CMP under planning ref: 2021/6074/P.

# Speculative property investments

The effect of development on property values is not a relevant planning consideration.

#### Should be debated by the full planning committee.

The previous application has already been before Members Briefing, the fall-back position is the extant permission, only differences are:

- Increase in height of 10cm to roof eaves
- Increase in height of by 23.5cm to roof ridge
- Installation of six roof lights
- Installation of four roof vents

# CAAC/Local groups comments:

No responses received

## **Site Description**

The application site is located in the south-east side of the cul-de-sac Meadowbank, which is an area bounded by Ainger Road, Oppidans Road and Primrose Hill Road. It is a three-storey mid-terraced dwellinghouse with roof addition of front and rear full width dormers. The property is one of 63 properties built between 1969 and 1971.

# **Relevant History**

Application number	Development Description	Decision	Decision Date
2023/2725/P	Details required by condition 7 (landscaping) of planning permission ref 2021/6074/P dated 28/06/2023 for excavation of basement and ground floor rear extension.	Approval of Details pending	pending
2023/2723/P	Details required by condition 4 (basement engineer) of planning permission ref 2021/6074/P dated 28/06/2023 for excavation of basement and ground floor rear extension.	Approval of Details Granted	20/07/2023
2021/6074/P	Excavation of basement with skylight to front, erection of a ground floor rear extension and replacement windows and doors.	Granted subject to S106 Legal Agreement	28/06/2023
2021/4142/P	Erection of an additional storey 2.8m in height above existing roof level of dwellinghouse.	Prior Approval Granted	01/12/2021
2009/3691/P	Erection of dormer windows to front and rear elevations of single family dwelling house (Class C3).	Certificate of Lawful Development Granted	16/09/2009
2009/0520/P	Extension to the ground floor entrance and erection of a roof dormer window to the rear of a single family dwelling house (Class C3).	Certificate of Lawful Development Granted	22/07/2009
2008/4876/P	Erection of roof extension with dormer windows to the front and rear of single family dwelling house (Class C3).  Reason for refusal:  The proposed roof extension including front and rear dormers due to its height, bulk, detailed design and location within a terrace with a largely unimpaired roof line would result in an unacceptable impact on the appearance of the building and the terrace as a whole contrary to policies B1 (General Design Principles) and B3 (Alterations and extensions) and Camden Planning Guidance 2006.	Planning permission Refused	08/12/2008
8498	Erection of 69 dwelling houses, together with car parking accommodation on sites of 6-28 Primrose Hill Road.	Granted	23/04/1970
7060	The erection of 68, terrace houses and 8 flats with integral garages at Nos. 6-28, Primrose Hill Road, 30, Ainger Road, 36, Oppidans Road and 1-15, Oppidans Mews, Camden.	Granted	17/07/1969

# **Relevant policies**

The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020

Class AA of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended by SI 2020 No. 755)

National Planning Policy Framework (NPPF) 2021

**Camden Planning Guidance** 

Amenity (2021)

## **Assessment**

## 1. Proposal:

- 1.1 The proposal seeks prior approval for an additional storey at roof level following demolition of the existing front and rear full width roof dormers which comprise the third floor level.
- 1.2The proposal would be approximately 3.1 meters in height from the existing highest part of the roof to the proposed highest part of the roof. The proposed additional storey would increase the overall height of the building to 13 meters.
- 1.3 The proposal includes the additional storey at roof level previously approved under the extant permission ref: 2021/4142/P which has not yet been implemented. Permission is sought under the current application, but the previous grant of prior approval forms a material consideration of significant weight. The key issues were considered in the report here 2021/4142/P. This was reviewed by Members' Briefing Panel in November 2021 with a delegated decision dated 01 December 2021.
- 1.4The current proposal only differs to the extant decision in that it would increase the roof ridge height by 23.5cm (2.9m to 3.1m) which is within the limit of 3.5m, and includes six roof lights and four roof vents across the front and rear roof slopes, (three roof lights and two roof vents to each roof slope).
- 1.5 The rooflights consist of four rooflights, two measuring 2.2m by 0.5m; two rooflights measuring 0.9m by 0.5m; two roof vents measuring 0.6m by 0.9m and two roof vents measuring 1.2m by 0.9m. The rooflights and vent would be no more than 0.15m above the plane of the roof slope. The internal height from the floor level to the lowest part of the roof lights would be 3m.
- 1.6The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (GPDO) came into force on 31st August 2020 and introduced Class AA to Part 1 of Schedule 2, which allows for the enlargement of a dwelling house consisting of the construction of up to two additional storeys (where the existing dwelling house consists of two or more storeys).
- 1.7This is subject to a number of conditions listed within sub-paragraph AA.1 (a)-(k) set out in the table below, and a subsequent conditions in sub-paragraph AA.2(3)(a) relating to the need for the developer to apply to the local planning authority for prior approval as to:
  - i. impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;
  - ii. the external appearance of the dwelling house, including the design and architectural features of—
    - (aa) the principal elevation of the dwelling house, and
    - (bb) any side elevation of the dwelling house that fronts a highway;
- iii. air traffic and defence asset impacts of the development; and
- iv. whether, as a result of the siting of the dwelling house, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 (a) issued by the Secretary of State.

#### 2. Assessment

2.1 Assessment against Class AA.1 conditions:

If yes to a	ny of the questions below the proposal is not permitted development	Yes/No
AA.1 (a)	Permission to use the dwelling house as a dwelling house has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use).	No
AA.1 (b)	The Dwelling House is located on –	
	(i) Article 2(3) land; or	No
	(ii) A site of special scientific interest.	No
AA.1 (c)	The dwelling house was constructed before 1st July 1948 or after 28th October 2018.	No
If yes to a	ny of the questions below the proposal is not permitted development	Yes/No
AA.1 (d)	The existing dwelling house has been enlarged by the addition of one or more storeys above the original dwelling house, whether in reliance on the permission granted by Class AA or otherwise.	No - Roof dormers not a storey & will be removed
AA.1 (e)	Following the development the height of the highest part of the roof of the dwelling house would exceed 18 metres.	No - approx. 13m
AA.1 (f)	Following the development the height of the highest part of the roof of the dwelling house would exceed the height of the highest part of the roof of the existing dwelling house by more than—  (i) 3.5 metres, where the existing dwelling house consists of one storey; or  (ii) 7 metres, where the existing dwelling house consists of more than one storey.	No - approx. 3.1m above roof
AA.1 (g)	The dwelling house is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—  (i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or  (ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated.	N/A No - approx. 3.1m
AA.1 (h)	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 dwelling house.	No - Floor to ceiling height 2.4m same as lower storeys
AA.1 (i)	Any additional storey is constructed other than on the principal part of the dwelling house.	No
AA.1 (j)	The development would include the provision of visible support structures on or attached to the exterior of the dwelling house upon completion of the development.	No
AA.1 (k)	The development would include any engineering operations other than works within the curtilage of the dwelling house to strengthen its existing walls or existing foundations.	No
Condition	s. If no to any of the statements below then the proposal is not permitted development	
AA.2 (a)	The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwelling house.	Yes - an informative wil be included or the decision
AA.2 (b)	The development must not include a window in any wall or roof slope forming a side elevation of the dwelling house.	Yes complies: no window to side
AA.2 (c)	The roof pitch of the principal part of the dwelling house following the development must be the same as the roof pitch of the existing dwelling house.	Existing & Proposed: pitched roof
AA.2 (d)	Following the development, the dwelling house must be used as a dwelling house within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwelling house.	Yes - an informative will be included or the decision

2.2 Assessment against Class AA.2 Prior Approval criteria:

Impact on the amenity of adjoining premises: Condition AA.2(3)(a)(i)

- 2.3 The proposal seeks to extend the main part of the building by one storey to create additional habitable space. The proposed additional storey would be positioned on the principal front and rear elevations of the building and would not extend beyond the principal rear building line. The proposed floor to ceiling height would be approximately 2.4m high.
- 2.4 The proposed additional storey would match the existing building material palette and detailing with brickwork, white painted render, and upvc windows. The proposed windows would match the style and fenestration pattern of the existing, positioned to line up with the windows located on the lower floors. As the additional storey will reflect the design of the existing building, the proposal is considered to be appropriate in design terms.
- 2.5 The Council's GIS (Geographical Information Systems), shown in the image below, demonstrates there is a separation distance of approximately 17m from the principal rear building line of the property and the rear building line of 28 and 29 Meadowbank to the rear opposite to the south-east. These properties sit within the terraces forming 27 to 31 Meadowbank facing Ainger Road. The rear building line of number 52 Meadowbank, situated in front to the north-west and perpendicular to the principal front building line of the site has an existing separation distance of approximately 5m. This property sits within the terrace forming 52 to 58 Meadowbank. Communal gardens are located between both terraces.



2.6 Given the relationship between the host property and the neighbouring properties, the applicant has submitted a daylight and sunlight report which assesses the impact of the proposal on numbers 27 to 31 Meadowbank (rear windows), 32 Meadowbank (front windows), 46 to 47 Meadowbank (rear) and 52 to 53 Meadowbank (rear) as well as the communal gardens. The parameters assessed were daylight (using the vertical sky component (VSC) calculations), and sunlight (using the annual and winter probable sunlight hours (APSH) and (WPSH) calculations). The report follows the BRE (Building Research Establishment) guidelines and assesses windows within 90 degrees due south for sunlight. APSH has been used to assess garden spaces. The resulting development would result in all the assessed windows retaining a minimum of 25% annual probable sunshine hours (APSH) and 5% of winter hours, or where this is not the case 80% of their existing values annually or over the winter months. The windows most affected all comply with the BRE guidelines. Residential gardens should receive a minimum of 2 hours of direct sunlight on 21st March over 50% of its area. Where the space is

- reduced to less than 50% of the area sunlit, the effects are considered acceptable if 80% its former value. The gardens most affected comply with the BRE guidelines. The results of the analysis demonstrate that in all instances the numerical values set are achieved. Therefore, the proposals would not have significant detrimental effect on the neighbours' enjoyment of daylight and sunlight, as far as to refuse the prior approval.
- 2.7The additional storey would include windows to the front and rear, they would match the existing windows at lower levels and the cill level would be the same as the existing windows, positioned approximately 0.7m above internal floor level. The windows would be positioned at the same distance from neighbouring properties as the existing arrangement. While they would be approximately 0.7m taller in height than the existing windows, given the existing arrangement, the additional storey would result in no further impact on neighbour amenity, in terms of loss of privacy or overlooking, than already exists, so far as to refuse the prior approval.
- 2.8 Given the surrounding context, siting and orientation the proposed additional storey would have minimal impact on the daylight and sunlight received by neighbouring properties. There would be minimal impact in terms of overlooking or overbearing impacts. Due to existing separation distances and orientation of the neighbouring properties, no further mitigation measures are considered necessary to prevent loss of privacy through overlooking.
- 2.9 Condition AA.2(3)(b) of the GPDO requires the developer to provide the Local Planning Authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated. This must be provided before the beginning of the development. An informative noting this would be added to the decision.

Design and architectural features of the principal and side elevation: Condition AA.2(3)(a)(ii)

- 2.10 Objections have referred to the High Court judgement [2022] EWHC 208 (Admin), and subsequent judgement by the Court of Appeal [2023] EWCA Civ 194, which are material considerations for this proposal. The High Court judgement was issued on 03/02/2022 and the Court of Appeal on 23/02/2023, both made following the determination of 2021/4142/P on 01/12/2021.
- 2.11 While the judgement clarifies that the consideration of the impact of the external appearance is not limited to the adjoining premises only and can include a consideration of the neighbouring premises and locality. We have taken this into account and the proposal results in an additional storey on an estate that has a variety of existing roof extensions and additions. While the increase to the pitched roof would result in the roof being taller than the rest of terrace, the GPDO conditions require the pitch to be the same as the existing (see 2.1).
- 2.12 Furthermore, given the extant permission holds significant weight, the consideration of this application is limited to the increased height of less than 30cm, the addition of roof lights and roof vents. These elements alone would have no impact on the overall design or neighbouring amenity than already granted, as far as to refuse the prior approval.
- 2.13 The proposal seeks to extend the main part of the building by one storey to create additional accommodation. The proposed additional storey would be positioned on the principal front and rear elevations of the building and would not extend beyond the principal rear building line. The proposed floor to ceiling height would be approximately 2.4m high.
- 2.14 The proposed additional storey would match the existing building material palette and

detailing with white painted render, brickwork, and white uPVC windows. The proposed windows would match the fenestration pattern of the existing windows, positioned to line up with the existing windows located on the lower floors, and would be of the same style as the existing windows.

2.15 Given the extant permission forms a material consideration of significant weight, the alterations to the approved additional storey comprise a minor increase in height and the inclusion of roof lights and roof vents. The increased height is within the conditions set out by the GPDO in paragraph 2.1. The roof lights and vents are subordinate in number and size, located appropriately and aligned so they would respect the roof form. As a result, they reflect the design of the existing building, and would be appropriate in design terms.

# Air traffic and defence asset impacts

2.16 Condition AA.2 (3)(a)(iii) states air traffic and defence asset impacts of the development. Given the location of the development, there would be no impact on air traffic or defence assets.

# **Impact on protected views**

- 2.17 Condition AA.2(3)(a)(iv) states whether, as a result of the siting of the dwelling house, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 (a) issued by the Secretary of State. The site does not fall within any views identified by the London View Management Framework.
- 2.18 Condition AA.2 (3)(b) of the GPDO requires the developer to provide the Local Planning Authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated. This must be provided before the beginning of the development. An informative noting this will be added to the decision.

### 3. Conclusion:

- 3.1 The Council has taken into account the responses from the consultation process and the guidance in the NPPF 2019, as required by paragraph AA.3 regarding procedure.
- 3.2The additional storey is permitted under Class AA of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by No.2 Order 2020).
- 4. Recommendation: Grant prior approval