

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	13/07/2023
		N/A / attached	<b>Consultation Expiry Date:</b>	19/07/2023
<b>Officer</b>			<b>Application Number(s)</b>	
Leela Muthoora			2023/2389/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
12 Hornby Close London NW3 3JL			See 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 additional storey to the existing dwellinghouse.				
<b>Recommendation:</b>	Grant Prior Approval			
<b>Application Type:</b>	GPDO Prior Approval - Part 1 - Class AA			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>02</b>	No. of responses	<b>05</b>	No. of objections	<b>04</b>
Summary of consultation responses:	<p>A site notice was displayed on 23 June 2023 until 17 July 2023.</p> <p>The adjoining occupiers / owners at numbers 11 and 13 Hornby Close were notified of the proposals by letter on 16 June 2023. Due to delays in the post the consultation date was extended until 19 July 2023.</p> <p>Five objections were received from occupiers of numbers 11, 13 and 14 Hornby Close, South End Road and the Estate Management Company. The following concerns were raised and can be summarised as: -</p> <ol style="list-style-type: none"> <li>1. Lack of consultation with neighbours.</li> <li>2. Daylight and Sunlight assessment requested.</li> <li>3. The drawings show a detached property isolated from its neighbours.</li> <li>4. The additional floor will change the height of the existing terrace altering the harmony and consistency of the original design.</li> <li>5. The extension would negatively impact the amenity of neighbours in terms of loss of daylight and sunlight, in particular to the skylights on the adjacent roofs.</li> <li>6. The structural impact on party walls to neighbouring properties and the terrace has not been explored.</li> <li>7. Consideration needs to be given to potential wind tunnels.</li> <li>8. The proposal will set a precedent.</li> <li>9. It will be to the financial detriment to the other house owners.</li> <li>10. Impacts of disturbance from construction.</li> <li>11. Increased rain water to roofs.</li> </ol> <p><u>Officer response:</u></p> <ol style="list-style-type: none"> <li>1. <i>The site notice was displayed, as above, and letters were sent to adjoining occupiers.</i> <ul style="list-style-type: none"> <li>• <i>Letters to adjoining occupiers were sent on 16 June 2023 in accordance with General Permitted Development Order (GPDO) required procedure.</i></li> <li>• <i>A site notice displayed on 23 June 2023 in accordance with London Borough of Camden's Statement of Community Involvement 2016.</i></li> </ul> </li> <li>2. <i>A daylight sunlight assessment was requested on 17 July 2023 and submitted on 14 August 2023. See paragraphs 2.4 to 2.8 in the assessment.</i></li> <li>3. <i>The drawings have been submitted in accordance with the GPDO procedure requirements and the officers assessed the proposals in relation to the neighbouring properties and within the context of the estate. A site visit was made on 14 Sept 2023 and the impact of the development on amenity has been assessment in paragraphs 2.3 to 2.8.</i></li> <li>4. <i>While this is the first additional storey proposed in this road, additional storeys through the GPDO prior approval process have been approved on</i></li> </ol>					

*the elsewhere on the Chalcot Estate, with a number south of Adelaide Road, see the planning history section. The permission has been granted by the Government through legislation subject to certain limitations, restrictions, and conditions, as set out in this report. The assessment of design is set out in the paragraphs 2.9 to 2.10.*

- 5. The GPDO procedure allows limited assessment of the proposals. The impact of the development on amenity has been assessment in section / paragraph 2.3. Following submission of a Daylight and Sunlight report, the results have been summarised and assessed in paragraphs 2.4 to 2.8.*
- 6. The permitted development is only 'permitted' subject to the conditions, restrictions and limitations set out by the GPDO Class AA as assessed in paragraph 2.1. The GPDO includes a condition that states development is not permitted if it would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations. The applicant has submitted a statement to that affect.*

*The Party Wall etc. Act 1996 provides a framework for preventing and resolving disputes in relation to party walls, boundary wall and excavations near neighbouring buildings. As such, these matters fall outside of development management within planning legislation.*
- 7. Wind tunnel effects are not associated with roof extensions to houses.*
- 8. Precedent: Several similar additional storeys on the estate approved under recent permitted development set out in the GPDO. This Class (AA) was enacted by Government in 2020 with the intention to allow households to extend their properties without requiring planning permission, subject to consultation. Consultation has been carried out in accordance with the legislation, as set out in Officer response no. 1.*
- 9. The impact on property value is not a material planning consideration.*
- 10. The Prior Approval procedure 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." Construction works and associated disturbance are considered temporary in nature and are managed by the Control of Pollution Act 1974. It would not be grounds for refusal and the works are not of a scale which would warrant a Construction Management Plan. Residents can contact Environmental Health if any concerns arise during the construction period.*
- 11. Drainage is proposed as connecting to the existing. This would be subject to building regulations.*

**CAAC/Local groups comments:**

No responses received

## Site Description

The site is a three-storey mid-terraced dwelling house located on the west side of the road, located within a planned residential estate (known as the Chalcot Estate) between Fellows Road to the north and King Henry's Road to the south, dating from the 1960's.

The site is within a block of 15 houses which form an L-shaped terrace arranged in a group of ten and four with a house at its corner. They comprise consecutively of numbers 9 to 18 Hornby close and numbers 4 to 7 Hornby Close, with 180 Adelaide Road at the corner. The application site fronts onto the central parking area and amenity space with its rear garden to Adelaide Road. The group of ten are stepped in pairs along the curve of Adelaide Road. The group match in terms of their design, scale, form and materials.

The surrounding area is predominantly residential in character, with community uses to the west. The application site is not a listed building and is not within a Conservation Area.

A tree protected by a Tree Preservation Order is located on the land adjacent to the rear garden on Adelaide Road.

## Relevant History

There is a current application being considered at the application site, otherwise there is no other relevant planning history relating to the site.

Application number	Development Description	Decision	Decision Date
2023/2232/P	Replacement garage door with louvre to the front elevation.	Granted	21/08/2023

The following sites in the Chalcot Estate on the north side of Adelaide Road have been approved since the permitted development rules changed in 2020.

Address	App ref	Development Description	Date
10 Huson Close	2023/0800/P	Erection of an additional storey on the existing dwellinghouse.	09/05/2023
20 Huson Close	2022/5265/P	Erection of additional storey on existing property	09/02/2023
9 Briary Close	2021/3827/P	Erection of an additional storey to dwellinghouse.	26/01/2022
89 Fellows Road	2021/3023/P	Prior approval for the erection of an additional storey on the existing dwellinghouse	09/11/2021
87 Fellows Road	2021/3024/P	Prior approval for the erection of an additional storey to the existing dwellinghouse	09/11/2021
7 Briary Close	2021/2341/P	Erection of an additional storey at 3rd floor level on existing dwellinghouse.	07/07/2021
12 Briary Close	2020/5772/P	Erection of additional storey to dwellinghouse.	29/06/2021
117 Fellows Road	2021/0166/P	Erection of an additional storey (2.9m in height) on the roof of the existing dwelling house	02/03/2021
9 Briary Close	2020/5246/P	Erection of an additional storey (2.9m in height) on the roof of the existing dwellinghouse	02/03/2021
4 Briary Close	2020/5771/P	Erection of an additional storey at 3rd floor level on existing dwellinghouse.	08/02/2021
89 Fellows Road	2020/5564/P	Prior approval for the erection of an additional storey (2.88m in height) on the existing dwellinghouse	04/02/2021
105 Fellows Rd Road	2020/5611/P	Erection of an additional storey 2.88m in height above existing roof level.	26/01/2021
87 Fellows Road	2020/5352/P	Prior approval for the erection of an additional storey (2.9m in height) on the existing dwellinghouse	05/01/2021

## 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) 2023**

**Camden Planning Guidance**

Design (2021)

Amenity (2021)

Home Improvements (2021)

## Assessment

### 1. Proposal

- 1.1 The proposal seeks prior approval for an additional storey above the existing third floor flat roof. The additional storey would be approximately 2.6 meters taller than the existing roof. The proposed additional storey would increase the overall height of the building to 11 meters.
- 1.2 The 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).
- 1.3 This 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:
- 1.4 This 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:

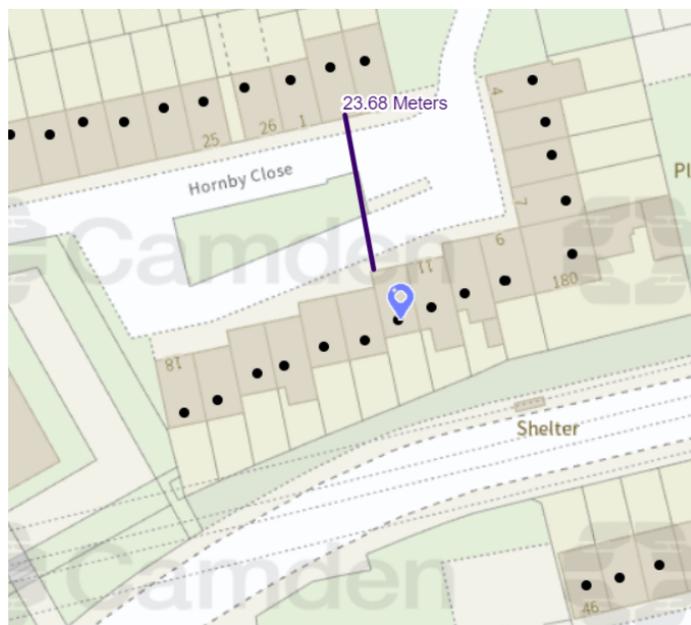
**Class AA:** The enlargement, improvement or other alteration of a dwelling house

If yes to any 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 (ii) A site of special scientific interest.	No No
AA.1 (c)	The dwelling house was constructed before 1st July 1948 or after 28th October 2018.	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
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. 11m
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. 3m 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. 3m
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 less than 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
Conditions. 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 will be included on 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.	Yes: Existing & Proposed: flat 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 on the decision

2.2 Assessment against Class AA.2 Prior Approval criteria:

**Impact on the amenity of adjoining premises in terms of overlooking, privacy and the loss of light: Condition AA.2(3)(a)(i)**

2.3 The Council's GIS (Geographical Information Systems), shown in the image below, demonstrates there is a separation distance of more than 23m from the principle (front) building line of the property and the front building line of the terrace forming 1 to 3 and 19 to 26 Hornby Close opposite to the north-west. Communal gardens and parking are located between the terraces.



2.4 Given the relationship between the host property and the neighbouring properties, and objections received from neighbours in respect of the impact on daylight/sunlight to neighbouring skylights; the applicant has submitted a daylight and sunlight report which assesses the impact of the proposal on numbers 11 and 13 Hornby Close.

2.5 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.

2.6 The resulting development would result in no loss of daylight to habitable rooms with a proposed VSC less than 27%. Only living room windows that face within 90° of due south need testing under BRE guidelines, although all windows were included in the interest of transparency. Where less than 0.8 times its former value, a comparison of "before" and "after" levels of VSC need to be calculated. Good daylighting can still be achieved if levels are within 0.8 of their former value. 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. The garden areas of 11 and 13 Hornby Close are to the south of the number 12, meaning no overshadowing would occur.

2.7 The additional storey would include windows to the front and rear and would be positioned at the same distance from neighbouring properties as the existing. Given the separation distances exceed those required by CPG (Camden Planning Guidance) Amenity, they would not have a harmful impact on neighbouring amenity, in terms of loss of privacy or overlooking, to any greater extent than the existing arrangement.

2.8 The proposed upward extension would result in no loss of daylight or sunlight to neighbouring

properties.

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

2.9 The proposal seeks to extend the main part of the building by one storey to create two additional bedrooms and two additional bathrooms. 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 2.5m high.

2.10 The proposed additional storey would match the existing building material palette and detailing with white painted render, brickwork, timber weather-board. The proposed windows would match the style and fenestration pattern of the existing, aligned 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.

**2.11 Air traffic and defence asset impacts –**

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.

**2.11. Impact on protected views**

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.

**3. Conclusion-**

The Council has taken into account the responses from the consultation process and the guidance in the NPPF 2021, as required by paragraph AA.3 regarding procedure.

The 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).

**Recommendation: Grant prior approval**

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 2<sup>nd</sup> October 2023, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***