



PLANNING BY DESIGN

FROM CONCEPT TO COMPLETION

Planning, Design and Access Statement

Erection of a two-storey upward extension to the detached block of flats, to create three self-contained residential units under Schedule 2, Part 20, Class A of the GPDO

Kings Court, 523 Finchley Road, London NW3 7BP

Prepared by Planning By Design

On behalf of Simon Chaing

Application

On behalf of Simon Chaing (Applicant), we enclose an application for Prior Approval to Camden Council (Local Planning Authority) for the erection of a two-storey upward extension to the detached block of flats, to create three self-contained residential units under Schedule 2, Part 20, Class A of the GPDO at Kings Court, 523 Finchley Road, London NW3 7BP (the site).

This Planning, Design and Access Statement has been prepared to demonstrate how the proposal is in accordance with all necessary parameters and conditions to constitute as Permitted Development as per the General Permitted Development Order (as amended) 2015.

Site Location

The site comprises King's Court which is a detached, four-storey block of flats. The building is situated on the south-west side of Finchley Road. There is a pedestrian entrance fronting 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.

The property is not listed, and is not within a conservation area, however it is within the boundary of the Fortune Green and West Hampstead Neighbourhood Plan area.

Planning History

There have been seven applications at the site. The two permissions of relevance include:

- 2022/0138/P – Erection of an additional storey to facilitate to 2 x self-contained residential flats above a detached block of flats – Granted 31/08/2022
- 2023/2262/P – Erection of a two-storey upward extension to the detached block of flats, to create five self-contained residential units under Schedule 2, Part 20, Class A of the GPDO – Refused 17/07/2023

The reasons for refusal include (summarised):

- Proposal does not comply with nationally described space standards.
- The external appearance of the building i.e. design, scale and massing would be detrimental to the character and appearance of the host building, the nearby locally listed building and the surrounding area.
- There would be detrimental impact on the amenity of the neighbouring property by reason of its height, scale and impact on light.
- Without a legal agreement to secure a car-free development, the proposal will contribute unacceptable parking stress and congestion in the surrounding area.

The Council provides four reasons for refusal, which this application responds to with a revised design. The car-free development legal agreement could be agreed if the Council is minded to approve the redesign.

Proposed Development

This Prior Approval application seeks the erection of a two-storey upward extension to the detached block of flats, to create three self-contained residential units under Schedule 2, Part 20, Class A of the GPDO.

The proposed dwelling mix comprises two, two-bedroom units and one, studio unit. The two-bedroom units have access to private outdoor amenity, with no outdoor amenity proposed for the proposed studio.

The upward extension will be made of non-combustible panels, alongside glass balustrade (to match the floors below) and powder-coated aluminium for the proposed windows.

Compared to the refused application, the alterations / additional evidence is summarised below:

- Building set back on all sides.
- Proposed massing broken up and carefully articulated to avoid a large, single block
- Follow the fronting balcony proposed in the permitted scheme for the first storey.
- Building set back further for the second storey and provide a front balcony fronting Finchley Road.
- Revised Daylight and Sunlight Assessment prepared that responds to the previously assessed impact to neighbouring properties.
- Townscape and Visual Impact Assessment prepared that demonstrates the proposal will not significantly impact the skyline.

In accordance with the regulations, the Developer Contact Details include:

Simon Chaing, 43 Friends Road, Croydon, United Kingdom, CR0 1ED. Planning by Design will be managing this application and as such correspondences can be sent to silas@planning-by-design.co.uk.

Assessment

Schedule 2, Part 20 Class A of the General Permitted Development Order 2015 (as amended) is recognised as the primary consideration for the determination of the proposed scheme.

Limitations – If yes to any of the questions below, the proposal is not permitted development

Limitation	Description	Yes/No
A.1 (a)	the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, MA, N, O, P, PA or Q of Part 3 of this Schedule;	No
A.1 (b)	above ground level, the building is less than 3 storeys in height;	No
A.1 (c)	the building was constructed before 1st July 1948, or after 5th March 2018;	No

A.1 (d)	the additional storeys are constructed other than on the principal part of the building;	No
A.1 (e)	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
A.1 (f)	the new dwellinghouses are not flats;	No
A.1 (g)	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);	No
A.1 (h)	the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;	No
A.1 (i)	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
A.1 (j)	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;	No
A.1 (k)	in the case of Class A.(b) development there is no existing plant on the building;	No
A.1 (l)	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 new building 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
A.1 (m)	development under Class A.(c) would extend beyond the curtilage of the existing building;	No
A.1 (n)	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;	No
A.1 (o)	the land or site on which the building is located, is or forms part of— (i) article 2(3) land; (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; or (vii) land within 3 kilometres of the perimeter of an aerodrome.	No

Conditions – if no to any of the below then the proposal is not permitted development

Condition	Description	Yes/No
A.2. – (1) (a)	transport and highways impacts of the development;	Yes
A.2. – (1) (b)	air traffic and defence asset impacts of the development;	Yes
A.2. – (1) (c)	contamination risks in relation to the building;	Yes
A.2. – (1) (d)	flooding risks in relation to the building;	Yes
A.2. – (1) (e)	the external appearance of the building;	Yes
A.2. – (1) (f)	the provision of adequate natural light in all habitable rooms of the new dwellinghouses;	Yes
A.2. – (1) (g)	impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;	Yes
A.2. – (1) (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 2012200 issued by the Secretary of State,	Yes
A.2. – (1) (i)	where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building; and	N/A
A.2. – (1) (j)	where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building, and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.	N/A
A.2. – (2)	Any development under Class A is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted	N/A
A.2. – (3)	Any development under Class A is permitted subject to the condition that before beginning the development, the developer must 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 occupiers of the building and adjoining owners or occupiers will be mitigated.	N/A
A.2. – (4)	The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.	N/A
A.2. – (5)	The notification referred to in sub-paragraph (4) must be in writing and must include—	
A.2. – (5) (a)	the name of the developer;	N/A
A.2. – (5) (b)	the address or location of the development; and	N/A
A.2. – (5) (c)	the date of completion.	N/A
A.2. – (6)	Any new dwellinghouse created under Class A is to remain in use as a dwellinghouse 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 dwellinghouse.	N/A

The legislation/proposals key points include:

- The application site is four storeys in height;
- construction in between 1948 and 2018;
- The additional storeys will be constructed on the principal part of the building
- The floor to ceiling heights of the proposed extension will measure no more than 3m and be consistent with the floor to ceiling heights of the existing building;
- The new dwellings are self-contained flats (Class C3);
- The upward extension measures 5.5m;
- The extended building will not be taller than 30m;
- No support structure will be visible upon completion of the development
- Works will be limited within the existing curtilage of the building
- No existing plant is being relocated
- No replacement plant forms part of the proposals
- Works with regard to access and egress to and from the new and existing dwellings do not extend beyond the curtilage of the existing building
- Proposals to utilise existing refuse and waste facilities located within the curtilage of the site boundary to the front and three cycle stands (Sheffield stands) to accommodate six bicycles are proposed to the rear of the site (minimum requirement of five spaces).

Matters for Prior Approval

Design and Appearance

The proposal would be a modest extension in the context of surrounding properties and building materials would match the main dwelling and neighbouring properties. Neighbouring properties and their extensions all follow similar materials, so it would be prudent to follow the same character to support the preservation of the area.

The proposed extension will be set back so as to not be seen from the street scene and/or adversely impact visual amenity. The development is located outside of any conservation areas and will have a negligible impact upon their setting (Redington and Frogna Conservation Area and West End Green Conservation Area). Against the Finchley Road Corridor, the proposed six-storey height fits within the existing and identified profile and characteristics of this movement corridor with minimal outlook, sightlines and townscape impact.

In terms of its scale and siting, the upward extension will not significantly impact the residential amenity of neighbouring occupiers in terms of loss of light, overshadowing or create an unpleasant outlook and should be considered acceptable on amenity grounds.

Daylight and Sunlight

An assessment was carried out to determine the potential impact on the proposal on neighbouring amenities. Eight proposed habitable rooms were assessed regarding the proposed units, all of them showing full compliance with the BRE targets when considering

daylight factors and sunlight. The new units will benefit from very good access to daylight and sunlight. Neighbouring properties will enjoy good levels of natural light, with impacted rooms being of lesser importance and/or smaller sized rooms in comparison to standard habitable rooms i.e. kitchen and bedroom at Nos. 521 and 525 Finchley Road. To maintain the good levels of sunlight and daylight availability in these neighbouring properties, lighter coloured materials are proposed for the development facades, which will continue to preserve the character of the area as well as maximising reflected light potential.

In summary, although there may be some loss of light, this is considered minor for the reasons above and their outlook is not adversely impacted by the scale and mass of the proposed building. This is consistent with findings from the Townscape and Visual Impact Assessment."

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 Finchley Road and Froggnal Station (Overground), West Hampstead Stations (Underground – Jubilee Line, Overground and Thameslink) and Finchley Road Station (Underground – Metropolitan Line) are within a 2km radius from the site. The proposed dwelling will have access to amenities that are within walking distance and are accessible to public transport. Therefore, we do not consider proposing parking appropriate (as encouraged by national (NPPF) and regional (London Plan) policies).

The Applicant is prepared to enter a car-free development legal agreement (S106) with the Council if the proposal is approved, including the provision that future residents are prohibited from applying for a parking permit. Six cycle spaces are proposed across three cycle stands (Sheffield stands) to comply with the London Plan's cycle parking standards, and accommodate the additional units and overflow parking.

Air Traffic and Defence

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

Contamination Risks

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

Flood Risk

The site is located within Flood Zone 1 (low probability of flooding), and in any event, the proposed dwellings are on the top floors of the building, and will not be impacted by flood.

Impact on Protected Views

The site does not fall within nor near to a protect view identified in the Directions Relating to Protected Vistas (2012).

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

Overall, it is considered that the proposals are compliant with the GPDO. We kindly request that the Council looks upon this application favorably and approves the Prior Approval for this proposal without delay in line with the National Planning Policy Framework.