

Delegated Report		Expiry Date:	04/08/2023
		Consultation Expiry Date:	16/08/2023
Officer		Application Number(s)	
Leela Muthoora		2023/2672/P	
Application Address		Drawing Numbers	
1 Conybeare, London, NW3 3SD		See draft decision	
Proposal			
Erection of additional storey to the principal part of the existing dwellinghouse.			
Recommendation(s):	Grant Prior Approval		
Application Type:	GPDO Prior Approval - Part 1 - Class AA		
Conditions & Informatives	Refer to Draft Decision Notice		

Consultations

Adjoining Occupiers:	No. notified	03	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p>Two site notices were displayed near to the site on the 21/07/2023 (consultation end date 14/08/2023) and additional site notices were display following re-consultation for revised Daylight and Sunlight Report on 24/01/2024 (consultation end date 17/02/2024).</p> <p>Letters of objection were received from the owners/occupiers of 2 Conybeare. Their objection comment can be summarised as follows:</p> <ol style="list-style-type: none">1) The extension would result in loss of daylight and outlook to their main reception room with the greatest impact to VSC on window 4 serving the ground floor to the living room.2) Loss of light their courtyard garden.3) A query on the baseline measurements for the windows at 2 Conybeare which differ between reports.4) The accumulative impact of the proposed additional storeys at 1 Conybeare and 2 Quickswood should be assessed in a combined daylight/sunlight report.5) The additional storey results in an overbearing structure that increases the sense of enclosure.6) Request for site visit to view from the neighbours site and garden. <p><u>Officer's response:</u></p> <ol style="list-style-type: none">1) <i>Please see amenity section, paragraphs 2.5 and 2.6 of the report. If the VSC calculated at the centre of each window is 27% or more, then enough skylight should be reaching the window. If, with the implementation of the proposals the window does not achieve 27% VSC but is more than 0.8 times its former value, then the BRE guidelines state that skylight is unlikely to be seriously affected. In addition to the VSC, to ensure that the room will achieve good daylight distribution the No Sky Line (NSL) is plotted. The existing VSC for the ground floor living room is within the mid-teens due to the original design of the block within an urban location. The VSC is more than 0.8 times its former value for the relevant windows and therefore the BRE guidelines are achieved and would not warrant a reason for refusal. The daylight distribution in the rooms would still be good with NSL of more than 70%.</i>2) <i>Please see amenity section, paragraphs 2.5 and 2.6 of the report. The daylight/sunlight report has considered the courtyards access to direct sunlight on the 21st March. The results demonstrate on implementation of the proposals, more than 0.8 times the existing area, will enjoy at least 2hrs of direct sunlight and therefore the BRE guidelines are achieved.</i>3) <i>The baseline measurements differ between the original and revised daylight sunlight reports because the revised report includes the consented scheme for 2 Quickswood. However, when using the</i>					

difference between the higher existing value (16.6) and lower proposed value (13.6), the proposed values are still more than 0.8 times their former value.

- 4) Officers requested a combined report to assess the accumulative impact of the proposal under ref: 2023/0419/P and the proposal within this application. This has not been submitted but does not prevent the assessment of this application. The applicant has submitted a revised report assessing the accumulative impact of the approved additional storey at 2 Quickswood which is considered reasonable to assess this application.*
- 5) The courtyard gardens are enclosed by design, originally with a single storey rear extension forming the distinctive L-shape and courtyard garden. Over time, all four adjoining properties to the rear have extended at first floor level, increasing the sense of enclosure at upper floor level. Recent legislation allowing permitted development for upwards extensions through the prior approval process has increased the heights for permitted development for additional storeys. The application proposes a second floor level to the east side of the property only and does not propose an L-shaped extension to the rear second floor level. While it would increase a sense of enclosure, it is not considered so overbearing to warrant a refusal on this basis.*
- 6) An external site visit was carried out on 14 September 2023 and a site visit to the neighbours' property and the applicant property was carried out on 21 May 2024.*

CAAC/Local groups comments:

None received

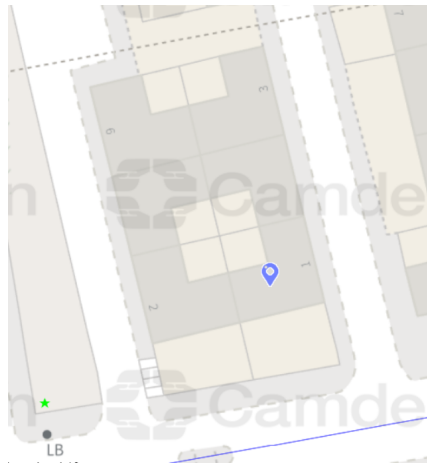
Site Description

The site is a two-storey end-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 six 'L' shaped houses which form terraces arranged in a group, with each terrace of three, fronting Quickswood and Conybeare. Numbers 1, 2 and 3 Conybeare facing east and 2, 4 and 6 Quickswood facing west. 1 and 2 Conybeare and 2 and 4 Quickswood have gardens that adjoin to the rear forming internal courtyard gardens. 1 and 2 Conybeare also have gardens to the south. 3 Conybeare and 6 Quickswood form the end of the terrace with gardens at the northern end of the block. The group match in terms of their design, scale, form and materials.

The application site is not a listed building and is not situated within a Conservation Area but is adjacent to the Elsworthy Conservation Area to the south on the opposite side of King Henry's Road.

There are no trees protected by Tree Preservation Orders within the application site.



Relevant History

The planning history for the application site can be summarised as follows:

App ref	Development Description	Decision & Date
2008/3739/P	Erection of extension on existing first floor terrace including conversion of garage into habitable room, erection of fence to side garden and insertion of two sets of French doors into south elevation.	Granted 11/11/2008

The planning history for sites nearby, within the block and the street.

Address	App ref	Development Description	Decision & Date
2 Quickswood	2021/4368/P	Erection of an additional storey on existing dwellinghouse	Grant PA 19/05/2022
6 Quickswood	2022/2981/P	Erection of an additional storey to the existing dwellinghouse	Grant PA 30/11/2022
6 Quickswood	2023/4994/P	Erection of an additional storey to the existing dwellinghouse with installation of windows to side elevation.	Grant HH
4 Conybeare	2021/1510/P	Prior approval for the erection of an additional storey (3.1m in height) on existing dwellinghouse.	Grant PA 18/03/2022
5 Conybeare	2023/1873/P	Erection of an additional storey to the existing dwellinghouse	Grant PA 12/02/2024
6 Conybeare	2020/4216/P	Erection of an additional storey 2.4m in height above existing roof level.	Grant PA 02/12/2020
7 Conybeare	2021/4149/P	Additional storey to a dwellinghouse.	Grant PA 31/01/2022



Proposal

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 **2.8** meters taller than the existing roof. The proposed additional storey would increase the overall height of the building to **9** 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:
 - 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.

Assessment

2. Assessment

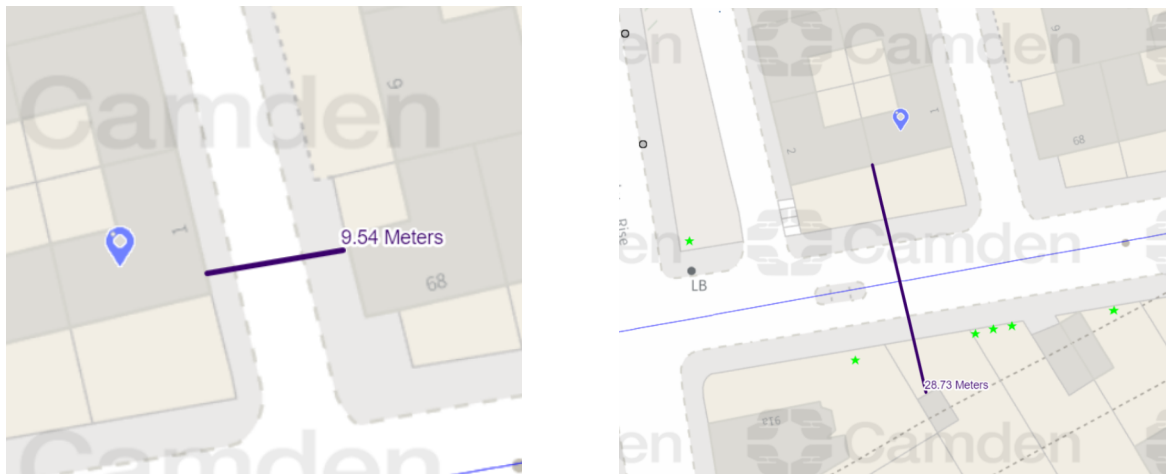
- 2.1 Assessment against Class AA.1 conditions:

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.	i) No ii) 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. 9m
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.	i) N/A ii) 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 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
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: N/A
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: 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 informative 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 less than 10m from the principle (front) building line of the property and the side elevation of 68 King Henry's Road in front of the site to the east. The additional image demonstrates there is a separation distance of more than 28m from the side elevation of the site to the nearest building on King Henry's Road, south of the site.



- 2.4 Given the relationship between the host property and the neighbouring properties within the block, the applicant has submitted a daylight and sunlight report which assesses the impact of the proposal on number 2 Conybeare to the north and numbers 2 and 4 Quickswood to the west.



- 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 development would not result in a loss of more than 20% (retains value of 0.8 times its former value) of VSC, with a minimum of 25% annual probable sunshine hours (APSH), and more than 0.8 times the existing area of garden space will enjoy at least 2hrs of direct sunlight on 21st March, and therefore the BRE guidelines are met. The results of the analysis demonstrate that in all instances the numerical values set are achieved. Therefore, the proposals would be unlikely to have significant impact on the neighbours' enjoyment of daylight and sunlight. This is the case also taking into a consented extension on the neighbouring property too.

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 Amenity, they would not have a harmful impact on neighbouring amenity, in terms of loss of privacy, overlooking, or impact to light to an extent that would warrant refusal of this extension.

2.8 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 three 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 2.4m 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.

2.12. 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) subject to this prior approval.

4. Recommendation: Grant prior approval