

Delegated Report		Analysis sheet	Expiry Date:	10/07/2024
		N/A / attached	Consultation Expiry Date:	14/08/2024
Officer			Application Number(s)	
Elaine Quigley			2024/2627/P	
Application Address			Drawing Numbers	
41 Meadowbank London NW3 3AY			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of one additional storey above the existing roof level of dwellinghouse including rooflights in the front and rear roof slope.				
Recommendation(s):		Grant prior approval		
Application Type:		GPDO Prior Approval - Part 1 - Class AA		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p>Site notices were displayed on the streets to the front and rear of the site from 10/07/2024 to 03/08/2024.</p> <p>Letters were sent to neighbouring occupiers that required a response by 14/08/2024. One letter of objection was received from a local resident at 48 Meadowbank raising the following concerns:</p> <p><u>Amenity</u></p> <ul style="list-style-type: none"> • Overlooking and loss of privacy <p><i>Officer's response: The proposal would not introduce any additional overlooking beyond the existing situation. The neighbouring windows within properties to the front and rear are either at an oblique angle or are at a sufficient distance (over 18m) away.</i></p> <p><u>Design</u></p> <ul style="list-style-type: none"> • The proposal creates an incongruous interruption to the existing harmonious roofline <p><i>Officer's response: The principle of an upward extension is already approved by the previous Government's introduction of the permitted development right (PDR) and the local planning authority can only consider a narrow remit of uses which do not challenge the principle of the works. The PDR was introduced in 2020, through legislation by the previous Government to create "a more streamlined planning process with greater planning certainty...through a light-touch prior approval process".</i></p>					
CAAC/Local groups* comments: <small>*Please Specify</small>	None received					

Site Description

The site is located on the north side of Meadowbank. It comprises a 3 storey mid-terrace single family dwelling. The building is not listed and the site is not located within a conservation area.

Relevant History

A prior approval application was submitted for the erection of 5.6m deep, 3m high single storey rear extension (ref 2024/1018/P). The Council confirmed that prior approval was not required for the works on 14/06/2024.

Relevant policies

National Planning Policy Framework 2023

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)

Assessment

1. PROPOSAL

1.1 The proposal seeks prior approval for an additional storey to the existing 3 storey residential dwelling.

1.2 The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (GDPO) came into force on 31st August 2020 and introduced Class AA to Part 1 of Schedule 2, which allows for the enlargement of a dwellinghouse consisting of the construction of up to 2 additional storeys (where the existing dwellinghouse consists of 2 or more storeys).

1.3 This is subject to several conditions as listed within sub-paragraph AA.1 [(a)-(k)] and a subsequent condition in sub-paragraph AA.2 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 dwellinghouse, including the design and architectural features of –
 - (aa) the principal elevation of the dwellinghouse, and
 - (bb) any side elevation of the dwellinghouse 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 dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2021(a) issued by the Secretary of State;

2. ASSESSMENT

2.1 The following assessment of the proposal has been undertaken against Class AA conditions.

Class AA: The enlargement of a dwellinghouse consisting of the construction of up to two additional storeys, where the existing dwellinghouse consists of two or more storeys	
If yes to any of the questions below the proposal is not permitted development:	Yes/no

AA.1 (a)	Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule (changes of use)?	No
AA.1 (b)	The dwellinghouse is located on— (i) article 2(3) land; or (ii) a site of special scientific interest	No
AA.1 (c)	The dwellinghouse was constructed before 1st July 1948 or after 28th October 2018	No
AA.1 (d)	The existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, 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 dwellinghouse would exceed 18 metres	No
AA.1 (f)	Following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than— (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or (ii) 7 metres, where the existing dwellinghouse consists of more than one storey	No
AA.1 (g)	The dwellinghouse 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	No
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 dwellinghouse	No
AA.1 (i)	Any additional storey is constructed other than on the principal part of the dwellinghouse	No
AA.1 (j)	The development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development	No
AA.1 (k)	The development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations	No
Conditions. If no to any of the 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 dwellinghouse	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
AA.2 (c)	The roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse (pitched roof)	Yes
AA.2 (d)	Following the development, the dwellinghouse must be used 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.	Yes

Impact on the amenity of adjoining premises

2.2. The additional storey would include 3 new windows along the front and rear. The proposed extension would be approximately 12.7m from the side elevation of the end of terrace property at no. 39 Meadowbank which includes 2 windows at first floor level and 1 window at second floor level. There are currently oblique views from the existing windows in the front elevation of the application property towards these windows. The proposal would not introduce any additional harmful overlooking to the windows of this property.

2.3. The nearest habitable room windows in the neighbouring properties to the rear would be located approximately 30m to the northwest of the site at nos. 24 and 26 Oppidans Road. These properties are a sufficient distance away so as not to be affected by the proposal in terms of overlooking by the windows within the new additional storey at the host dwelling.

2.4 The additional storey would not unduly obstruct the outlook of neighbouring habitable windows, it is of a sufficient distance from neighbouring properties and of a scale as to not be considered overbearing in nature.

2.5 A daylight and sunlight assessment has been submitted in support of the application. The assessment includes the relevant windows of properties at nos. 39 Meadowbank, 42-43 Meadowbank and 34-36 Ainger Road (to the east). Of all the windows tested all windows meet the BRE targets for daylight (vertical sky component), sunlight levels (Annual Probable Sunlight Hours (APSH)) and sunlight hours to neighbouring gardens. The findings confirm that the proposal would not impact on the daylight of the neighbouring properties. The assessment also confirms that the proposal would not affect the sunlight to neighbouring gardens.

Design

2.6 The proposal would match the existing building's material palette and detailing with brickwork, horizontal band above the window, matching windows and roof tiles. It would result in an extension that matches the existing fabric. The building's side elevation does not front a highway. A letter of objection has been received from a local resident raising concerns about the additional height of the building and how this would disrupt an otherwise harmonious roofline. Although the building would be a storey higher than the existing surrounding buildings within the estate the proposal meets the required criteria set out in AA.1 (g) and AA.1 (h) and is therefore compliant with the relevant conditions.

2.7 The roof lights in the front and rear elevation are subordinate in number and size and would respect the roof form.

Air traffic and defence asset

2.7 Given the location of the development, there would be no impact on air traffic or defence assets.

Impact on protected views

2.8 The site does not fall within any views identified by the London View Management Framework.

3. CONCLUSION

3.1 The Council has taken into account any responses from the consultation process and the guidance in the NPPF 2023, as required by paragraph AA.3 regarding procedure.

3.2 The additional storey is permitted under Class AA of Part 1 of Schedule 2 of the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended by No. 2 Order 2020).