

Date: 12th November 2020
Our Ref: 20.5116

Planning Department
London Borough of Camden
Crowndale Centre
218 Eversholt Street
Somers Town
London
NW1 1BD

24 Southwark Bridge Road
London
SE1 9HF

T 0203 268 2018

Dear Sir/Madam,

Re: 9 Briary Close, London, NW3 3JS – Prior Notification

On behalf of our client, Mr Ashley Donoff, we enclose a submission seeking Prior Approval for the construction of an additional residential storey on the above property. This Prior Approval application is submitted under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020.

Section AA.3. of the Order sets out the procedure for applications for Prior Approval. It states (AA.3. (2)) that an application submitted to the local authority by a developer for Prior Approval under Class AA must be accompanied by:

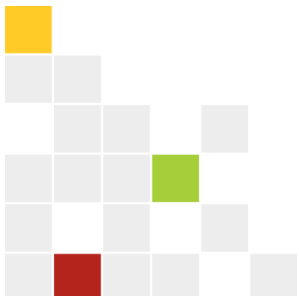
- (a) A written description of the proposed development, including details of any works proposed;
- (b) A plan which is drawn to an identified scale and shows the direction of North, indicating the site and showing the proposed development; and
- (c) A plan which is drawn to an identified scale and shows –
 - (i) The existing and proposed elevations of the dwellinghouse, and
 - (ii) The position and dimensions of the proposed windows.

This covering letter includes a written description of the development. Enclosed with the application are a Site Location Plan, a plan showing the direction of north indicating the site and showing the proposed development, and existing and proposed elevation plans prepared by ZED Architect showing the dimensions of the proposed development, and positions of proposed windows.

In addition, we enclose a Daylight/Sunlight Report (prepared by MES Building Solutions) in support of the application.

The Application Site

The site comprises a three storey, terraced residential dwelling located on the south side of Briary Close within the Chalcot Estate. It is understood to have been built in the 1960s.



The existing property is in the style typical of the Estate and is not considered to be of a significant architectural merit.

The character of the surrounding area is residential, with neighbouring properties being similar in appearance and typically between 3/4 storeys in height with 4 storey properties located to the north of the site along Fellows Road and to the south on Adelaide Road.

The site benefits from a high PTAL score of 5 and is not within the setting of any listed building, nor does the site fall within a Conservation Area. The site falls within Flood Zone 1 indicating a low probability of flooding.

Written Description of the Proposed Development (AA.3.(2)(a))

It is proposed to construct an additional residential storey on the existing residential property at 9 Briary Close, NW3 3JS, in line with the standards set out within Class AA, Schedule 2, Part 1 of the GPDO. The proposed additional storey would be constructed on the principal part of the existing dwellinghouse. It would accommodate 2no. bedrooms with en-suite bathrooms, as well as a small utility room. In line with the requirements, no windows will be located on the side elevations of the additional storey. Additional windows will be located in the front and rear elevations in order to provide the new bedrooms with good levels of light. As demonstrated within the Sunlight/Daylight Report, the extension will not result in any negative impact on neighbour amenity. The total height of the additional storey, at approximately 2.9 metres, falls well within the parameters set by the Guidance.

As demonstrated on the accompanying plans, the materials for the additional storey have been carefully selected in order to match the materials of the existing dwellinghouse. The brickwork and wooden shuttering will match the existing. This ensures that the additional storey is seen as a natural extension of the existing dwellinghouse and not as a separate element.

The additional storey has been carefully and sensitively designed to ensure that it is in complete compliance with all the criteria set out within Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020.

Compliance

Paragraph AA.1 of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020 sets out the criteria for which development is not permitted under Class AA. This includes if:

- (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).

The house was originally built as a Class C3 dwelling and has not been authorised by any Class under Part 3 of Schedule 2.

- (b) the dwellinghouse is located on (i) article 2(3) land; or (ii) a site of special scientific interest.

The dwellinghouse is on neither Article 2(3) land or a SSSI.

(c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018.

The dwellinghouse was built in the 1960s.

(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.

The dwellinghouse has not been enlarged by the addition of any additional storeys.

(e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres.

The development would not result in the highest part of the roof of the dwellinghouse exceeding 18 metres.

(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.

The development would not exceed 7 metres at the highest part of the roof of the existing dwellinghouse.

(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.

The highest part of the development would not exceed the height of the highest part of the roof of every other building in the row in which it is situated by more than 3.5 metres.

(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.

The floor to ceiling height of the additional storey would not exceed the internal floor to ceiling height of any storey of the principal part of the existing dwellinghouse.

(i) any other additional storey is constructed other than on the principal part of the dwellinghouse.

The additional storey will be constructed on the principal part of the dwellinghouse.

- (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.

The development would not include any visible support structures on or attached to the exterior of the dwellinghouse.

- (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.

The development would not include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

The dwellinghouse was constructed before 01st July 1948 or after 28th October 2018; or if the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse. None of these apply to the subject property meaning that development is permitted under Class AA.

The development is therefore compliant with the requirements to benefit from Class AA permitted development – enlargement of a dwellinghouse by construction of additional storeys.

Conditions

AA.2.—(1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).

(2) The conditions in this sub-paragraph are as follows—

(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;

The materials to be used in the construction of the additional storey are of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwellinghouse;

The development does not include a window in any wall or roof slope forming a side elevation of the dwellinghouse.

(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; and

The roof pitch of the principle part of the dwellinghouse following the development will be the same as the roof pitch of the existing dwellinghouse.

(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.

Following the development, the dwellinghouse will only be used as a dwellinghouse in accordance with Class C3 of the Schedule of the Use Class Order.

The development is therefore in complete accordance with criteria (ii) of paragraph AA.2 (3) (a) of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020.

Prior Approval

Paragraph AA.2 (3) (a) of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020 states that before beginning the development, the developer must 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 principle 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 sitting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State.

We address each of these points, in addition to points in regards to transport, contamination and flood risk, below with further detail provided in the supporting documents.

(i) Impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light

This Prior Approval application is supported by a detailed Sunlight/Daylight Report prepared by MES Building Solutions, which robustly demonstrates that the development will not result in any detrimental impacts on the amenity of the neighbouring properties.

In regards to daylight, the Report shows that all of the neighbouring windows, which were assessed as part of the Vertical Sky Component (VSC) test, met the BRE guidance for the test. With regard to daylight distribution, all of the 70 windows serving habitable rooms in the 16 neighbouring properties comfortably met the BRE guidance for the VSC test. Further to this, all the assessed windows also met with the BRE guidance for daylight distribution.

In relation to the available sunlight hours test, all of the neighbouring windows assessed met the BRE guidance for this test.

The Report concludes that the proposal have a high level of compliance in an urban environment and that the proposals accord with all necessary planning guidance and will not significantly impact on the amenity of adjoining properties.

The development is therefore in compliance with criteria (i) Paragraph AA.2 (3) (a) of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020.

(ii) The external appearance of the dwellinghouse

The subject property comprises a three storey, terraced residential dwelling constructed in brick with wooden shuttering, UPVC windows and a roof box. The property reflects the style of neighbouring properties.

The external appearance of the development respects the established character of the area and uses materials to match the existing so as the additional storey is seen as part of the existing dwellinghouse and not as a separate element.

The house will be of a vertical design, with no set-back, which is acceptable in design terms, particularly as the site is not within a Conservation Area. The vertical design is considered to be the most efficient design solution and, should neighbouring properties also wish to benefit from Prior Approval, will allow them to easily mirror this design and so ensure consistency throughout the estate.

It should also be noted that there are examples of original 4 storey dwellings both on Fellows Road and on Adelaide Road which shows that 4 storey dwellings are acceptable in the locality. The extension has been carefully and sensitively designed so as to allow neighbouring properties, if the wish, to build similar extensions up to the boundary of the proposed extension with no gaps between. This will help to ensure and create consistency within this sector of the Chalcot Estate.

The proposed design is consistent with that of the recently approved at 15 Lower Merton Rise (Ref: 2019/5419/P) and so is considered to be acceptable.

The external design of the additional storey has therefore taken into consideration, and included the architectural features of the existing dwellinghouse and its surroundings, and, as such, is in full agreement and compliance with the Guidance.

(iii) Air traffic and defence asset impacts of the development

The development site is not within an airport or defence asset safeguarding zone and so will not result in an impact to either air traffic or defence assets.

The development is therefore in accordance with criteria (iii) of paragraph AA.2 (3) (a) of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020.

(iv) Impact on a protected view identified in the Directions Relating to Protected Vistas

The property is not identified as falling within any Protected Vista and as such, will not result in any impact on Protected Vistas.

Notwithstanding this, it is worth noting that given the minor scale of the development, even if the property was situated within a Protected Vista, the proposal would still not have any impact on the view due to its small scale of development.

The development is therefore in accordance with criteria (iv) of paragraph AA.2 (3) (a) of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020.

Summary

In summary, the submitted documents demonstrate that the site is suitable in terms of amenity and external appearance. The enlargement of the existing dwellinghouse by the construction of an additional residential storey is therefore considered agreeable and complies with the requirements of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020.

Yours sincerely,

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