

6 Conybeare - 2020/4216/P



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Site photos



1. Aerial view (6 Conybeare highlighted in green)



2. Existing front elevation (viewed from pavement opposite the site)



3. CGI of proposed front elevation (viewed from pavement opposite the site)



4. Existing view looking north



5. CGI of proposed view looking north

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	07/12/2020
		N/A		Consultation Expiry Date:	16/11/2020
Officer			Application Number(s)		
David Peres Da Costa			2020/4216/P		
Application Address			Drawing Numbers		
6 Conybeare London NW3 3SD			Refer to Draft Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of an additional storey 2.4m in height above existing roof level.					
Recommendation(s):		Grant Prior Approval			
Application Type:		GPDO Prior Approval Class AA			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	02	No. of objections	02
Summary of consultation responses:	<p>A site notice was displayed from 23/10/20 to 16/11/20. Two objections were received from occupiers of 3 Conybeare and 31 Quickswood. The following concerns were raised.</p> <ol style="list-style-type: none"> 1. Adding another floor will block my view of St Mark church which is visible from 2 floors of my house. 2. Adding another floor will also block the light to the communal garden where the house is situated. I use these gardens daily and a lot of the sunlight will be blocked by it. 3. This housing estate designed with white low built houses and communal gardens. This allows an open and bright environment to live in. 4. The erection of a 2.4m additional storey at No 6 Conybeare will mean that any windows facing westwards will overlook a principal bedroom on the corner of No 3. <p><i>Officer's comment: The planning system cannot protect views from individual private properties. Any increased overshadowing of the communal garden would not be considered so harmful as to warrant refusal. The communal garden is large (approx. 760sqm) and the proportion which may be overshadowed by the 2.4m high additional storey would be relatively small. The proposal would not have a significant effect on the daylight and sunlight levels received by neighbouring properties. The proposed front window (facing west) would serve a stairway and is approx. 30m from the front elevation of 3 Conybeare.</i></p>					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>Quickswood Residents' Association – object</p> <ol style="list-style-type: none"> a) The Quickswood sector was designed as a low rise estate, with two storey houses, including 6 Conybeare, in the central, southern and western areas, three storey houses in the terrace bordering the east of the sector, and four storey houses bordering the north of the sector. This architectural assembly, and in particular the relationship between, and arrangement of, two, three and four storey houses, is a crucially important feature of the overall design of the sector. There are no houses with more than two storeys in the central / western part of the sector, where 6 Conybeare is situated. b) The QRA is concerned to preserve and maintain the architectural integrity and harmony of the sector as a whole. Any upwards extension of properties on the sector by the addition of extra storeys would seriously compromise that integrity and harmony. For this reason permission has never been granted for the addition of extra storeys onto houses in the sector. 					

- c) The proposed addition of an additional storey onto 6 Conybeare would make it significantly taller than the immediately neighbouring properties, and would therefore adversely affect the appearance of that part of the sector as a whole, and in particular the street scene.
- d) The additional storey would cast a shadow onto the neighbouring communal garden, adversely affecting the light enjoyed by residents using that garden. The garden is a communal resource which is available to be enjoyed by all residents of the sector. It may also cast a shadow onto neighbouring properties and intrude on their privacy, although we have not been able at this stage to assess the extent of any such impacts, in part because it is not clear from your plans exactly what sight lines there will be from the proposed new storey, so have not taken them into account in reaching this decision.
- e) Granting permission for the addition of an extra storey would create a precedent, which would inevitably lead to requests from other residents for permission to make the same change. If permission were granted for 6 Conybeare, it may be difficult to justify refusal of permission on other properties. The result is likely to be, or could be, a general increase in the height of houses on the sector, with development occurring in a haphazard and uneven way. The QRA considers this to be highly undesirable for a variety of reasons, including the impact on the amount of light in the communal gardens, the architectural harmony of the estate, and the detriment caused to other properties by blocking light and intruding on privacy.

Officer's comment: The General Permitted Development (England) (Amendment) (No. 2) Order 2020 sets out the matters that can be considered. The architectural integrity and harmony of the surrounding area is not one of the matters that the Local Planning Authority can consider when assessing prior approval under Part 1, Class AA. The GPDO limits prior approval to an assessment of the external appearance of the dwellinghouse in so far as it relates to the principal elevation. The design of the proposed additional storey has been reviewed by Urban Design officers and is considered acceptable. Any increased overshadowing of the communal garden would not be considered so harmful as to warrant refusal. The communal garden is large and the proportion which would be overshadowed would be relatively small. The proposed development would not result in a loss of privacy to neighbouring properties as the windows are a significant distance from these windows.

Site Description

6 Conybeare is a detached, two storey, white painted brick residential dwelling with a flat roof on the eastern side of the road. The building is L-shaped and benefits from a private courtyard to the rear, within the L.

The application site is located within a planned residential estate (known as the Chalcot Estate), off King Henry's Road, dating from the 1960's. The majority of the houses on the estate are terraced; however, Nos. 4 and 6 Conybeare are both detached dwellings. No. 6 is surrounded by a grassed area of public open space, which links Conybeare and Quickswood (the road to the east).

The surrounding area is residential in character. The application is not within a Conservation Area and the host building is not listed.

Relevant History

2019/1296/P: Single storey rooftop extension to provide additional living accommodation; installation of railings on the roof; enlargement of windows facing onto courtyard at rear. Refused 31/05/2019

Reasons for refusal:

1. The proposed rooftop extension, by reason of its siting, size, material and detailed design, would appear as an overbearing and incongruous addition to the host building, and would thereby detract from the character and appearance of the host building and the wider area, contrary to the aims of Policy D1 of the Camden Local Plan.
2. The proposed railings, by reason of their siting, height and appearance, would appear as a visually intrusive addition to the host building, and would thereby detract from the character and appearance of the host building and the wider area, contrary to the aims of Policy D1 of the Camden Local Plan.

2019/2775/P: Erection of two-storey rear extension, associated alterations to fenestration. Granted 08/08/2019.

2019/2776/P: Certificate of lawfulness - i) Insertion of new window; ii) Insertion of 5x rooflights; iii) Erection of roof railings and iv) Replacement garden fence. Part granted / part refused 07/08/2019

2019/5108/P: Single storey roof extension to rear part of building; installation of raised parapet wall to front of building; alterations to fenestration. Refused 23/12/2019

Reasons for refusal:

1. The proposed rooftop extension, by reason of its siting, size and design, would appear as an overbearing and incongruous addition to the host building, and would thereby detract from the character and appearance of the host building, the street scene and the wider area, contrary to the aims of Policy D1 of the Camden Local Plan.
2. The proposed front parapet wall, by reason of its design and appearance, would detract from the original design of the host building and that of the other buildings in the wider area, which would be to the detriment of the character and appearance of the host building, the street scene and the wider area, contrary to the aims of Policy D1 of the Camden Local Plan.

2019/5109/P: Single storey roof extension to middle part of building; installation of raised parapet wall to front and rear of building; alterations to fenestration. Refused 23/12/2019

Reasons for refusal:

1. The proposed rooftop extension, by reason of its siting, size, materials and detailed design, would appear as an overbearing and incongruous addition to the host building, and would thereby detract from the character and appearance of the host building, the street scene and the wider area, contrary to the aims of Policy D1 of the Camden Local Plan.
2. The proposed front parapet wall, by reason of its design and appearance, would detract from the original design of the host building and that of the other buildings in the wider area, which would be to the detriment of the character and appearance of the host building, the street scene and the wider area, contrary to the aims of Policy D1 of the Camden Local Plan.

2020/1193/P: Creation of new 2 storey dwelling following demolition of existing. Decision pending

Relevant policies

NPPF 2019

Paragraphs 95, 124-130

Assessment

1. Proposal

- 1.1. The proposal seeks prior approval for an additional storey above the existing second floor flat roof which would be 2.4m in height above the existing roof level.
- 1.2. The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 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 two additional storeys (where the existing dwellinghouse consists of two or more storeys).
- 1.3. This is subject to a number of conditions 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 2012(a) issued by the Secretary of State;*

2. Assessment

2.1. Assessment 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 - (approx. 8.58m)
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 (approx. 2.94m)
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?	N/A
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? (in this case 2.42m)	No - (Floor to ceiling height 2.4m)
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 it does not
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? (flat roof)	Yes (flat roof)
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 (an informative will be included on the decision)

2.2. Impact on the amenity of any adjoining premises

2.3. The site is surrounded by communal green space and the nearest adjoining premise is approximately 10m to the north (16 and 18 Quickswood). The nearest property to the south is 7 Conybeare (approx. 13m).

2.4. The applicant has submitted a daylight and sunlight report which assesses the impact on 16 and 18 Quickswood and 7 Conybeare. The results of this analysis demonstrate that in all instances the numerical values set out in the BRE guidelines are achieved. The proposals will therefore not have a significant effect on the neighbour's enjoyment of daylight and sunlight.

2.5. It is not clear that the communal garden can be regarded as premises. Nevertheless, any increased overshadowing of this area would not be considered so harmful as to warrant refusal. The communal garden is large and the proportion which would be overshadowed would be relatively small. Therefore, the level of overshadowing is considered acceptable in this instance.

2.6. The additional storey would have windows at front and rear. The proposed front window serves a staircase rather than a habitable room and so overlooking from this window would be limited. In addition, the distance between this window and 5 Conybeare would be almost 17m. The proposed rear window faces towards 73 Quickswood but there would be a significant distance (approx. 32m) between this window and the existing front windows of 73 Quickswood.

2.7. The design and architectural features of the principal elevation

2.8. The proposal seeks to extend the northeast corner of the home by one storey to allow for a separate study space. The massing is set back (7.1m) from the front elevation so as not to have an adverse effect on the principal elevation. The proposed floor to ceiling height matches that of the existing 1st floor. As the extension is set-back from the principle elevation, there would be limited visibility from street level.

2.9. The proposal would match the existing building material pallet and detailing with white painted brickwork and a white render band above. This would resulting in an extension that blends into the existing fabric and the surrounding context. The proposed window would line up with the windows on the lower floors. The proposal has been reviewed by the Urban Design team and is considered acceptable.

2.10. The proposed side elevation dose not front a highway and therefore the design of this element does not require prior approval.

2.11. Air traffic and defence asset impacts

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

2.13. Impact on protected views

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

3. **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 30th November 2020, 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 and search for 'Members Briefing'.

Application ref: 2020/4216/P
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Date: 25 November 2020

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DRAFT

DECISION

Dear Sir/Madam

Town and Country Planning Act 1990
Class AA of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended by SI 2020 No. 755)

The Council, as local planning authority, hereby confirm that their **prior approval is granted** for the proposed development at the address shown below, as described by the description shown below, and in accordance with the information that the developer provided to the local planning authority:

Address of the proposed development:

**6 Conybeare
London
NW3 3SD**

Description of the proposed development:

Erection of an additional storey 2.4m in height above existing roof level.

Details approved by the local planning authority:

Drawing Nos: GA103; GA122; GA101; GA120; GA123; GA010; GA102; GA121; GA130; Coloured-in Bay Study Rear Elevation & Section; Daylight and sunlight report prepared by CHP Surveyors dated 2nd September 2020; Letter prepared by Savills dated 3rd September 2020; Construction Method Statement prepared by Harris Calnan dated Aug 2020; Design Statement: 6 Conybeare prepared by Architecture for London dated September 2020

Informative(s):

- 1 This written notice indicates that the proposed development would comply with condition AA.3 of Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended by SI 2020 No. 755).
- 2 It is a requirement of the above condition AA.3 that the development must be completed within a period of 3 years starting with the date prior approval is granted.
- 3 It is a requirement of the above condition AA.3 that the developer shall notify the local planning authority of the completion of the development as soon as reasonably practicable after completion. Such notifications shall be in writing and include (a) the name of the developer, (b) the address of the dwellinghouse, and (c) the date of completion.
- 4 It is a requirement of the above condition AA.3 that before beginning the development, the developer shall 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.
- 5 In accordance with condition AA.2:
 - (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
 - (b) the development shall not include a window in any wall or roof slope forming a side elevation of the dwelling house;
 - (c) the roof pitch of the principal part of the dwellinghouse following the development shall be the same as the roof pitch of the existing dwellinghouse; and
 - (d) following the development, the dwellinghouse shall 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.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice in regard to your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Chief Planning Officer

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