

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	12/11/2020
		N/A	<b>Consultation Expiry Date:</b>	21/11/2020
<b>Officer</b>		<b>Application Number(s)</b>		
David Peres Da Costa		2020/4606/P		
<b>Application Address</b>		<b>Drawing Numbers</b>		
St Matthews Lodge 50 Oakley Square London NW1 1NB		Refer to draft decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Construction of two additional storeys of new dwellinghouses above an existing purpose-built, detached block of flats.				
<b>Recommendation(s):</b>		Grant Prior Approval subject to s106 legal agreement		
<b>Application Type:</b>		GPDO Prior Approval Part 20, Class A		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>00</b>	No. of responses	<b>06</b>	No. of objections	<b>02</b>
Summary of consultation responses:	<p>Site notices were displayed from 28/10/20 to 21/11/20. Four letters of support were received from occupiers of the property. One letter of objection and one comment raising concerns were received from an occupier of 65 Oakley Square and an occupier of the subject property. The following concerns were raised:</p> <ul style="list-style-type: none"> <li>• Impact on daylight / sunlight / overshadowing - Many of the gardens in Oakley Square are already shady because of the very tall trees in the area. Cutting out more light will be detrimental to local residents and any reduction, no matter how small, will be noticed by residents in the affected buildings.</li> <li>• Impact on traffic, parking and road safety: Parking is already difficult for local residents.</li> <li>• Construction project to this residential area will certainly cause an enormous amount of stress and disruption.</li> <li>• Construction vehicles will need to enter Oakley Square from the Eversholt street end. This will mean that the construction vehicles will be travelling the full length of our residential street. The new no-entry system has not been considered in this planning application. Residents should be consulted on the impact this project is likely to have and a Construction Management Plan should be developed before planning permission is granted. I would like to understand clearly how traffic, noise and pollution will be controlled.</li> <li>• The floor to ceiling height allowed under permitted development would be less than 2.5m as specified in the London Plan.</li> <li>• The Design &amp; Access Statement is showing plans of the top floor “as existing” which do not relate to the as built layouts.</li> </ul> <p>The letters of support raised the following points:</p> <ul style="list-style-type: none"> <li>• I think that this proposal will be a great addition to Camden and to Oakley Square. The elevation will be barely visible and will balance the building that is directly opposite on the other side of the square 'park'.</li> <li>• The additional housing for the area will support local businesses and provide a few more residential homes in an area where there is currently a lot of need.</li> <li>• The height is not a significant change from prior height and is in keeping with the new development nearby of the Koko.</li> <li>• The stepped roof will provide a lovely draw from the road rather than the brutal style that it currently has. The step roofline will soften the building and provide a look similar to local pitched roofs.</li> <li>• The proposed new dwellings do not appear to overlook anyone</li> <li>• The proposal would benefit the existing occupiers through an additional lift and reduction in service charge.</li> </ul>					
CAAC/Local groups* comments: *Please Specify						

## Site Description

The application property is a brown brick part four/part five storey 1980s apartment block located on the corner of Crowndale Road and Oakley Square with primary elevations facing both of these streets.

The site adjoins the Camden Town Conservation Area and is in close proximity to a number of Grade II listed buildings, including the Working Men's College which sits diagonally opposite, the former vicarage of St Matthew's immediately to the west, Nos 53-57, and 58-70 Oakley Square and Oakley Square Gardens Lodge. Oakley Square gardens (directly behind the site) is Locally Listed.

## Relevant History

**CTP/K12/12/7/29501:** Erection of a five-storey building comprising 36 flats with provision of 27 car parking spaces. Granted 11/03/1980

**8802340:** Erection of a conservatory at the existing 4th floor rear roof terrace. Granted 06/09/1988

**9400802:** The erection of a conservatory on the existing roof terrace at 4th floor level. Granted 15/07/1994

**2018/4230/P:** Erection of single storey roof extension at 5th floor level to provide 5 flats (3 x 2-bed and 2 x 1-bed) with roof terraces facing Crowndale Road and Oakley Square (Class C3), including erection of cycle store and alteration to waste store. Granted Subject to a Section 106 Legal Agreement 08/03/2019

**2019/4012/P:** Erection of two storey roof extension at 5th floor level to provide 7 flats (1 x 3-bed, 5 x 2-bed and 1 x 1-bed) with roof terraces facing Crowndale Road and Oakley Square (Class C3), including erection of lift shaft (to the rear) and cycle store and alteration to waste store. Refused 11/11/2019 Appeal allowed 15/12/2020

## Relevant policies

**The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020**

**NPPF 2019**

## Assessment

### 1. Proposal

- 1.1. The proposal seeks prior approval for the erection of two additional storeys of new dwellinghouses above the existing purpose-built, detached block of flats.
- 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 A to Part 20 of Schedule 2, which allows for development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey on a detached building.
- 1.3. This is subject to a number of conditions listed within sub-paragraph A.1 [(a)-(o)] and a subsequent condition in sub-paragraph A.2 relating to the need for the developer to apply to the local planning authority for prior approval as to:
- a) transport and highways impacts of the development;
  - b) air traffic and defence asset impacts of the development;
  - c) contamination risks in relation to the building;
  - d) flooding risks in relation to the building;
  - e) the external appearance of the building;
  - f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
  - g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; and
  - 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 2012 issued by the Secretary of State.

### 2. Assessment

#### 2.1. Assessment against Part 20, Class A conditions

Class A: New dwellinghouses on detached blocks of flats		
If yes to any of the questions below the proposal is not permitted development:		Yes/No
A.1 a	Permission to use any building as a dwellinghouse has been granted only by virtue of Class M, 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; (in this case 2.45m)	No - (Floor to ceiling height 2.45m)
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 ( <i>works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses</i> ) there is no existing plant on the building;	No (There are existing water tanks / lift overrun)
A.1 l	In the case of Class A.(b) development [ <i>works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses</i> ] the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the 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 (The height of the proposed lift overrun and air source heat pumps would be lower)
A.1 m	Development under Class A.(c) [works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases] would extend beyond the curtilage of the existing building;	No
A.1 n	Development under Class A.(d) [works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses] 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

## 2.2. Transport and highways impacts

2.3. The proposals do not involve any reduction in the current number of on-site parking spaces.

2.4. In line with section 9 of the NPPF, cycle parking should be provided. The proposed ground floor layout includes the provision of 6 Sheffield stands (12 spaces) within a covered shelter

within a secure part of the site and 2 Sheffield stands (4 spaces) located behind the enlarged lift core, with an additional Sheffield stand (2 spaces) located adjacent to the vehicular access to the site. The provision of the cycle parking would be secured by condition.

2.5. In accordance with section 9 of the NPPF, all of the new residential units would be secured as on-street parking permit free by means of a Section 106 Agreement. This will prevent the future occupiers from adding to existing on-street parking pressures, traffic congestion and air pollution, whilst also encouraging the use of more sustainable modes of transport such as walking, cycling and public transport.

2.6. A Construction Management Plan and associated Implementation Support Contribution of £3,136 and Impact Bond of £7,500 would be secured by means of the Section 106 Agreement. This will help ensure that the proposed development can take place without unduly affecting the operation or safety of the local highway network or neighbour amenity.

### **2.7. Air traffic and defence asset impacts**

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

### **2.9. Contamination risks in relation to the building**

2.10. The site is not identified as having potential to be contaminated land.

### **2.11. Flooding risks in relation to the building**

2.12. The site is not identified as having any flooding risk. Due to the area being within a critical drainage area a flood risk assessment has been submitted. The addition of a brown roof would reduce surface water run off, due to the system collecting rainwater. As a result, the proposal would be a significant improvement to the current situation.

### **2.13. The external appearance of the building**

2.14. The proposal has been reviewed by design and conservation officers. The extension would continue the architectural language of the existing building by referencing its architectural features and materials. The top level would reflect a rooftop form and would complete the existing building which in its current form looks incomplete. The extension massing would be set back behind the parapet line forming a clear distinction between the new addition and existing building. Overall the proposals would provide a positive response to the character of the host building. The proposals are considered to be reasonably sympathetic in terms of the alignment of window openings, proportions and materials.

### **2.15. The provision of adequate natural light in all habitable rooms of the new dwellinghouses**

2.16. All the units are considered to have acceptable levels of natural light.

### **2.17. Impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light**

2.18. A Daylight and Sunlight study has been submitted to support the prior approval application. The report assesses the existing flats in the host property, No 52 Oakley Square (to the south of the application site), No 31 Crowndale Road (to the west) and properties on the north side of Crowndale Road (46-60 even). The report demonstrates that the proposed scheme would not cause a noticeable change in light levels to existing properties around the site and that existing properties would still receive adequate annual probable sunlight hours and adequate sunlight hours during the winter period. The daylight and sunlight report assessed the degree of

overshadowing of amenity space (gardens / terraces) at 52 Oakley Road, 31 Crowndale Road and the terraces of Flats 31 and 36 St Mathew's Lodge. The BRE recommends that for it to appear adequately sunlit throughout the year, at least half the garden or amenity area should receive at least two hours of sunlight on 21st March. The submitted report demonstrates that the amenity spaces assessed would meet the BRE recommendation.

- 2.19. A concern was raised about possible overshadowing of the gardens of the properties on Oakley Square. The impact of the development on No 52 Oakley Square was assessed in the submitted daylight and sunlight report and found to be acceptable. The other properties are to the south of the site, so there would be no impact from the proposal in terms of overshadowing.
  - 2.20. The current application is similar to a previously approved scheme (planning ref: 2018/4230/P). There were no amenity concerns with the previously approved single storey scheme. The previously refused scheme for a 2 storey extension (planning ref: 2019/4012/P which was allowed at appeal) did not include a reason for refusal relating to the impact of the development on neighbouring amenity.
  - 2.21. By setting back each floor, and the introduction of raised planters, privacy would be maintained between the terraces and apartments on each level.
  - 2.22. Impact on protected views**
  - 2.23. The site does not fall within any views identified by the London View Management Framework.
3. **Recommendation:** Grant prior approval subject to s106 legal agreement