





Photo 1 (above): Front elevation of 13 Hawtrey Road



Photo 2 (above): Front elevation of Nos. 19-15 (odd) Hawtrey Road



Photo 3 (above): Front elevation of Nos. 17-13 Hawtrey Road



Photo 4 (above): Front elevation of 13 Hawtrey Road looking east



Photo 5 (above): Front and side elevations of 13 Hawtrey Road looking east



Photo 6 (above): Front and side elevation of 82 Hawtrey Road opposite No. 13



Photo 7 (above): Front and side elevation of 13 Hawtrey Road and adjacent communal garden



Photo 8 (above): Rear elevation of 13 Hawtrey Road as viewed from rear communal garden



Photo 9 (above): Rear elevation of 13 Hawtrey Road looking north from rear communal garden



Photo 10 (above): Side elevation of 13 Hawtrey Road as viewed from the rear communal garden, looking west



Photo 11 (above): Rear elevation of 120 King Henry's Road

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>18/12/2020</b>
		N/A	<b>Consultation Expiry Date:</b>	<b>19/12/2020</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Charlotte Meynell			2020/5021/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
13 Hawtrey Road London NW3 3SS			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>				
Erection of an additional storey at 2nd floor level on existing dwellinghouse.				
<b>Recommendation(s):</b>		Grant Prior Approval		
<b>Application Type:</b>		GPDO Prior Approval Class AA		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>02</b>	No. of responses	<b>31</b>	No. of objections	<b>06</b>
Summary of consultation responses:	<p>A site notice was displayed from 25/11/2020 to 19/12/2020. The adjacent neighbours Nos. 11 and 15 Hawtrey Road were notified of the proposals by letter on 26/11/2020.</p> <p>7 objections were received from occupiers of 118 and 120 King Henry's Road; 11, 17, 60, 86 and 102 Hawtrey Road.</p> <p>The following concerns were raised:</p> <p><b><u>Procedural issues:</u></b></p> <ol style="list-style-type: none"> <li>1. All properties in the road are required by a Court approved Scheme of Management to obtain the permission of Chalcots Estate Limited (CEL) before making such alterations. The proposal which is the subject of this application therefore requires the permission of CEL before it can proceed. The application should not be finalised until CEL has given its decision. <i>(Officer response: restrictive covenants are not material planning considerations and have no bearing on the planning process.)</i></li> <li>2. We understand that Camden affixed notices alerting residents to the application but these notices were immediately removed. Therefore we believe that the deadline for comments should be extended. <i>(Officer response: The Local Planning Authority (LPA) has no control over site notices after they have been erected. The LPA has fulfilled its statutory duty under the prior approval process to notify the adjacent neighbouring properties by letter. The application was also published in the weekly list of applications and residents who have signed up to planning e-alerts were notified of the application electronically.)</i></li> </ol> <p><b><u>Precedent:</u></b></p> <ol style="list-style-type: none"> <li>3. I have concerns about general precedent being set which could potentially lead to inconsistencies in elevation, and generally damaging the whole Hawtrey Road aesthetics. I note that previously the Council has indicated that such extensions would only be approved if it applied to the whole row and believe that principle should still be adhered to.</li> <li>4. 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 13 Hawtrey Road it may be difficult to justify refusal of permission on other properties. The result is likely to be a general increase in the height of houses in the road, with development occurring in a haphazard and uneven way. We consider this to be highly undesirable for a variety of reasons, including the impact on the architectural harmony of the estate, and the detriment caused to other properties by blocking light and intruding on privacy. <i>(Officer response: This is an application for prior approval under Part 1, Class AA of the General Permitted Development (England) (Amendment) (No. 2) Order 2020 (GPDO). The criteria relevant to the assessment of</i></li> </ol>					



*the application are set out in the table in paragraph 2.1 below. Camden's Local Plan policies and guidance are not relevant to the assessment.)*

**Design and appearance:**

5. The proposed erection of an additional storey would be out of keeping with the part of the estate this house is on. All houses on this part of the estate which abut the communal garden are of 2 storeys and this would be totally out of keeping with ambience and architectural balance of the estate. The 3 storey houses are all together on a different part of the estate and look very different to 13 Hawtrey Road.
6. 13 Hawtrey Road is very close to the edge of the King Henry's Road Conservation Area. The views from the much higher built Conservation Area are across two storey houses. The addition of an extra storey on 13 Hawtrey Road will be very prominent viewed from the upper floors of the Conservation Area thereby blighting the views of a large number of residents in the Conservation Area.

***Officer response:** 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. Please refer to paragraphs 2.6 and 2.7 of the report for the assessment of the design and architectural features of the principal elevation)*

**Overlooking:**

7. Overlooking to ground floor patio, first floor terrace and bedroom windows of 120 King Henry's Road, which is directly opposite the rear of 13 Hawtrey Road and there is only approximately 10 metres between us.
8. It would intrude on neighbours' privacy, particularly those residents living to the south of 13 Hawtrey Road who will be overlooked. Hawtrey Road is extremely narrow and 13 Hawtrey Road is very close to the house on the other side of the road. An additional storey would have a disproportionate impact as the proposal for the new floor provides for a flush frontage rather than being set back to lessen the impact.

***Officer response:** please refer to paragraph 2.5 of the report)*

**Daylight and sunlight:**

9. The additional storey would cast a shadow onto neighbouring properties and across the communal garden which is a very important asset for the community.

***Officer response:** please refer to paragraphs 2.3 and 2.4 of the report)*

**Construction impacts:**

10. There is constant building and additional pollution and I have COPD and all the dust is not the best thing for my lungs. Building works seem to have awakened more rats in the Close.

***Officer response:** please refer to paragraph 2.6 of the report)*

25 letters of support were also received from 3, 80, 82, 92 and 96 Hawtrey Road; 116 and 126 King Henry's Road; 7 and 26 Lower Merton Rise; 5 Essex Court, 1 Hampstead High Street; 87, 90a and 99 Fellows Road; 36 Downshire Hill; 1 Clorane Gardens; 60 Primrose Gardens; 9 Briary Close; 10 Heath Hurst Road; 77 Avenue Road; 1 and 2 Lyttleton Close; 25 Westbere Road; an unknown address in Haverstock Hill; an unknown

address on Redington Road; and an unknown address.

The following points were raised:

**Procedural issues:**

1. The process for this application must only focus on compliance with the order and not any other standard planning issues so objections which relate to subjective matters should obviously be ignored for the purposes of this application.
2. A good example of the benefits of the new permitted development orders. The development appears to comply and therefore prior approval should be given.

**Design and appearance:**

3. The designs are in keeping with the style of the estate.
4. The applicant demonstrates that they are keen to use materials that complement the estate.
5. The design will blend perfectly with the architectural environment of the estate. The estate is a mix of 2-storey, 3 storey and 4 storey houses. There are already many different styles of building, and height of buildings, so uniformity of the current stock shouldn't be an issue.
6. These houses (on the Chalcots Estate) are not in a conservation area and have no architectural merit - the new rules simply allow appropriate upwards extensions.
7. It's sensitive to the surroundings and won't materially alter the streetscene or enjoyment from the surrounding amenities as long as the finishes are appropriate to the building.
8. Judging by the structural makeover and circulation layout of these houses, I believe it was intentional for them to be able to grow vertically. Organic growth in height would not deter from their modernist urban and typological nature.

**Overlooking:**

9. As with other properties in the square, overlooking is an unavoidable issue, with privacy maintained through use of net curtains, shutters, window films and blinds. The proposal, by being set back from the southern edge of the building, will have a minimal impact on current levels of overlooking.
10. A Chalcots Estate (CEL) guidelines appraisal could include measures to prevent overlooking between immediate neighbours.

**Daylight and sunlight:**

11. The impact of the extension on daylight and sunlight has been shown to meet BRE guidelines.
12. We are close neighbours of 13 Hawtreay Road and as long as it doesn't block light to the communal garden I am happy for permission to be given.
13. The impact of such extensions could be addressed by a careful Chalcots Estate (CEL) guidelines appraisal to include mitigations. These could include stepping back the roof extension from the communal gardens to avoid encroaching and overshadowing excessively the communal gardens.

**Community benefits:**

14. It allows growing families in the area to stay living on the estate, giving the neighbourhood a mix of demography.
15. The family will not be required to move house with all the disruption and costs that that will entail.
16. It will be a lot less disruptive for the neighbourhood than allowing

basement extensions.

### Site Description

13 Hawtrey Road is a two storey, end of terrace, white painted brick residential dwelling with a flat roof on the southern side of the road. There is an existing roof storage box situated on the roof of the building, which is a feature of all surrounding properties. 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. 13 Hawtrey Road is surrounded by a grassed area of public open space to the south, west and east, and is located immediately south of a cul-de-sac in which Nos. 66-82 (even) Hawtrey Road are situated.

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

### Relevant History

#### 13 Hawtrey Road

**2011/3003/P** – Erection of first floor rear extension with roof terrace, insertion of windows to front elevation at ground floor level and to side elevation at first floor level of dwelling (Class C3). **Planning permission granted 05/08/2011**

### Relevant policies

#### **National Planning Policy Framework (NPPF) 2019**

- **Paragraphs 95, 124-130**

#### **Camden Planning Guidance**

CPG Amenity (2018)

## Assessment

### 1. Proposal

- 1.1. The proposal seeks prior approval for an additional storey with roof box above, above the existing first floor flat roof. The existing building has a height of 6.2m to the top of the parapet wall and a height of 6.7m to the top of the roof of the roof box (which is considered to be the highest part of the roof). The proposed additional storey would increase the height of the building to 8.5m to the top of the parapet wall and 9.3m to the top of the roof of the proposed roof box. This would result in an overall increase in height of 2.6m from the existing highest part of the roof to the proposed highest part of the roof.
- 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 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 statements 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. 9.3m)
AA.1	Following the development the height of the highest part of the roof of the	No

(f)	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	(approx. 2.6m)
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 (approx. 2.6m)
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 2.3m)	No (Proposed floor to ceiling height 2.3m)
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 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 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 (Existing: flat roof)	Yes (Proposed: 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)

#### Impact on the amenity of any adjoining premises

- 2.2. The site is surrounded by communal green space to the rear (south) and west and is attached to No. 15 Hawtrey Road to the east. There is a gap of approximately 5m between the western flank elevation of the site and the eastern flank elevation of the adjacent neighbouring property No. 11 Hawtrey Road.
- 2.3. The applicant has submitted a daylight and sunlight report which assesses the impact on Nos. 11 and 15 Hawtrey Road and Nos. 118, 120 and 122 King Henry's Road. The results of this analysis demonstrate that in all instances the numerical values set out in the BRE guidelines are achieved. The proposals would therefore not have a significant detrimental effect on the

neighbours' enjoyment of daylight and sunlight.

- 2.4. 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.
- 2.5. The additional storey would have windows at the front and rear. There is a separation distance of approximately 19m from the principal rear building line of the property and the nearest residential properties to the south (Nos. 120 and 118 King Henry's Road), and a separation distance of approximately 33m from the front building line of the property and the front elevation of the nearest residential properties to the north (Nos. 74 and 76 Hawtrey Road). There is a separation distance of approximately 15m between the front elevation of 13 Hawtrey Road and the flank elevation of No. 82 Hawtrey Road to the north. However, no windows are located in this flank elevation. These separation distances between elevations that include windows exceed the minimum separation distance of 18m as required by CPG Amenity, and as such it is considered that the proposals would not result in a loss of privacy through overlooking to neighbouring habitable rooms.
- 2.6. Condition AA.3 of the GPDO requires the developer to 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. This must be provided before the beginning of the development. An informative noting this will be added to the decision.

#### The design and architectural features of the principal elevation

- 2.7. The proposal seeks to extend the main part of the building by one storey to create two additional bedrooms, two bathrooms and a utility room at second floor level. The proposal would build up 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 match that of the existing first floor below. Three rooflights would be inserted into the proposed flat roof. A replacement roof storage box would be installed on the flat roof of the proposed second storey in the same location as the existing. The existing roof storage boxes are considered to be a distinguishable and important feature of the properties within the terrace and the surrounding area, and the inclusion of a replacement roof box above the proposed additional storey is considered appropriate in design terms.
- 2.8. The proposal would match the existing building material pallet and detailing with white painted brickwork and a white render band above with concrete coping along the top of the parapet. This would result in an extension that blends into the existing fabric and the surrounding context. The proposed windows would be positioned to line up with the windows on the lower floors and would be of the same style as the existing windows. The proposal has been reviewed by the Council's Design Officers and is considered acceptable.

#### Air traffic and defence asset impacts

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

#### Impact on protected views

- 2.10. 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 4<sup>th</sup> January 2021, 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](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Application ref: 2020/5021/P  
Contact: Charlotte Meynell  
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Date: 23 December 2020

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Boyer Planning  
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# DRAFT

Dear Sir/Madam

## DECISION

In accordance with section 60 (2B) and (2C) of the Town and Country Planning Act 1990 (as amended by section 4(1) of the Growth and Infrastructure Act 2013)

Process set out by part AA.3 of Schedule 2 Part 1 Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended by SI 2020 No. 755)

Prior Approval Granted

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:**  
**13 Hawtrey Road**  
**London**  
**NW3 3SS**

**Description of the proposed development:**  
Erection of an additional storey at 2nd floor level on existing dwellinghouse.

**Details approved by the local planning authority:**  
Drawing Nos: HR13 EX0; HR13 EX1; HR13 EX2; HR13 EX4; HR13 EX5; HR13 EX6;  
HR13 EX7; HR13 PD1; HR13 PD2; HR13 PD3; HR13 PD4; HR13 PD5; HR13 PD6;



HR13 PD7; HR13 PD8; Cover Letter (prepared by Boyer Planning, dated 28/10/2020); Daylight and Sunlight Report (prepared by MES Building Solutions, dated 26/10/2020).

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

It's easy to make, pay for, track and comment on planning applications on line. Just go to [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning).

It is important to us to find out what our customers think about the service we provide. To help us in this respect, we would be very grateful if you could take a few moments to complete our online survey at the following website address: [www.camden.gov.uk/dmfeedback](http://www.camden.gov.uk/dmfeedback). We will use the information you give us to help improve our services.