

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>24/12/2020</b>
		N/A		<b>Consultation Expiry Date:</b>	19/12/2020
<b>Officer</b>			<b>Application Number(s)</b>		
Mark Chan			2020/5246/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
9 Briary Close London NW3 3JZ			<i>Refer to Draft Decision Notice</i>		
<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 (2.9m in height) on the roof of the existing dwellinghouse.					
<b>Recommendation(s):</b>		Grant Prior Approval			
<b>Application Type:</b>		GPDO Prior Approval Part 1, Class AA			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	02	No. of responses	06	No. of objections	01
Summary of consultation responses:	<p>A site notice was displayed from 25/11/2020 to 19/12/2020. One objection and 5 comments of support were received.</p> <p>The objector raised the following concerns:</p> <p>1. All the neighbouring properties similar in appearance South of Fellows Road, North of Adelaide Road, East of Winchester Road and West of Primrose Hill Road are 3 stories high. If granted, no. 9 Briary Close would be the only house within the northern section of the Chalcots Estate encompassing in excess of 125 houses in Fellows Road, Huson Close, Briary Close, Hornby Close, Brocus Close and Tobin Close to be four stories high.</p> <p>The estate was designed and built to have a homogenous design; none of the surrounding terrace houses has a roof extension. It is correct to say there are some larger properties on Fellows Road but not within the development.</p> <p>2. A previous application (2013/2648/P) to add an additional fourth floor to nos. 83-93 Fellows Road was rejected for two reasons; i) In the absence of a Daylight/Sunlight study and ii) The proposed roof extension would, by reason of its height, bulk, mass and design, appear as an incongruous and unduly prominent addition which would detract from the character and appearance of the host building, street scene, Chalcot Estate, and the adjacent Belsize Park Conservation Area, contrary to policies CS14 and DP24 and DP25 of the London Borough of Camden Local Development Framework Core Strategy and Development Policies.</p> <p>re ii) this has not changed and in fact if only no. 9 Briary Close is permitted to erect a fourth storey, it would detract further from the symmetry and character of the estate.</p> <p>3. If granted, this would be the first successful application to add a fourth floor thereby setting a precedent to future applications.</p> <p><b>Officer's comment:</b></p> <p>1. <i>The General Permitted Development (England) (Amendment) (No. 2) Order 2020 sets out the matters that can be considered. The character, homogeneity, symmetry and altitude of the surrounding area is not one of the matters that the Local Planning Authority can consider when assessing prior approval applications 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 and side elevations. The design of the proposed additional</i></p>					

	<p>storey has been assessed and the materials and windows would match the design of the floors below and therefore maintains the architectural integrity of this property. The design is therefore considered acceptable in relation to the judgement that can be made.</p> <p>2. The previous application (2013/2648/P) was for planning permission. Such an application is assessed in accordance with the Development Plan and any other material considerations. Therefore, the previous application could be assessed in terms of the impact of the extension on the wider area. In addition, the Council's supplementary guidance resisted roof additions when complete terraces have a roof line that is largely unimpaired by alterations or extensions. This would have been a material consideration. However, the current application is permitted development under Part 1, Class AA of the Town and Country Planning (General Permitted Development) Order 2015 and the Council's policies and guidance are not relevant nor can be applied to the assessment.</p> <p>3. Each application would be considered on its own merits. However, the government's introduction of Class AA, for the construction of additional storeys, demonstrates central government's support for such extensions subject to the assessment of specific matters set out within the prior approval process.</p>
CAAC/Local groups comments:	N/A

## Site Description

9 Briary Close is a mid-terrace, three-storey residential dwellinghouse with a flat roof on the southern side of the close. There is an existing roof storage box situated on the roof of the building, which is a feature of all surrounding properties.

The application site is located within a planned residential estate (known as the Chalcot Estate) dating from the 1960's. The majority of the houses on the estate are terraced.

The surrounding area is of residential character. The application site is not within a Conservation Area and the host building is not listed. The Belsize Park Conservation Area boundary runs down Fellow Road so that the properties opposite fall within the conservation area.

## Relevant History

### 89 Fellows Road

**2020/5564/P** – Prior approval for the erection of an additional storey (2.88m in height) on the existing dwellinghouse. Grant Prior Approval 04/02/2021- GPDO Prior Approval – Part 1 – Class AA

### 87 Fellows Road

**2020/5352/P** – Prior approval for the erection of an additional storey (2.9m in height) on the existing dwellinghouse. Grant Prior Approval 05/01/2021- GPDO Prior Approval – Part 1 – Class AA

### 105 Fellows Road

**2020/5611/P** – Erection of an additional storey 2.88m in height above existing roof level. Grant Prior Approval 26/01/2021 - GPDO Prior Approval – Part 1 – Class AA

## 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 above the existing third floor flat roof which would be 2.9m in height above the existing roof level with a roof box and rooflights.
  - 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.1 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.  
12.6m  
including  
roof box)

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. 2.9m)
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. 2.9m)
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 2.56m)	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
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)

### *Assessment against Class AA.2 Prior Approval criteria*

#### Impact on the amenity of adjoining premises

- 2.2. Given the surrounding context, orientation and the distances to neighbouring properties, the proposed additional storey would have minimal impact on the daylight and sunlight received by these properties. Likewise there would be minimal impact in terms of overlooking.
- 2.3. The applicant has submitted a daylight and sunlight report which assesses the impact on Nos. 1 – 8 Briary Close and Nos. 10 – 17 Briary Close. 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.

#### Design and architectural features of the principal and side elevations

- 2.4. The proposal would match the existing building's material palette and detailing with brick slips to match the existing brickwork. This would result in an extension that blends into the existing fabric and the surrounding context. The proposed uPVC windows would match the material of the existing windows and would line up with the windows on the lower floors. Between the windows there would be wooden shuttering to match the design detail on the floors below. The proposed additional storey would be sympathetic to the host property and is considered acceptable.

#### Air traffic and defence asset impacts

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

#### Impact on protected views

- 2.6. 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 the responses from the consultation process and the guidance in the NPPF 2019, as required by para AA.3 regarding procedure.

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

4. **Recommendation:** Grant prior approval.