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Dear Sir/Madam,

**APPLICATION FOR PRIOR APPROVAL PURSUANT TO CLASS AA (SCHEDULE 2, PART 20) OF THE GENERAL PERMITTED DEVELOPMENT (AMENDMENT) ORDER 2020 AT:  
106 HAMPSTEAD ROAD, LONDON, NW1 3EE**

On behalf of the Applicant, Whitehall Park Development Investment, I write to submit details pursuant to the 'prior approval' for the construction of two additional storeys comprising new dwellinghouses above 106 Hampstead Road under Part 20, Class AA of the Town and Country Planning (General Permitted Development) Order 2020 (Amendment).

Enclosed with this supporting letter are the following documents:

- Site location plan
- Existing and proposed floor plans, sections and elevations by CSA
- Design Statement by CSA
- Transport Statement by TTP Consulting
- Daylight and Sunlight Assessment by Hollis Global
- Flood Risk Assessment by Herrington
- Contamination Assessment by Soil Consultants
- Acoustic Report by Hann Tucker Associates

The application fee of £668 (£334 x 2) will be made separately on application.

**Application Site**

The site comprises a three storey (plus basement) mixed use unlisted building with office use at ground and basement and two residential units occupying the first and second floor levels. The Council has advised that the building is detached.

The site is not situated within a conservation area. It is within Flood Zone 1 and is not located within a Critical Drainage Area. The site has excellent access to public transport with a PTAL rating of 6b.

**Proposal**

The proposal comprises the construction of two additional storeys of residential floorspace immediately above the top floor of the principal part of the existing building. This will deliver 2 new one person dwellings in a highly accessible location.

The external facade to the third floor will use matching materials to the existing building, whereas the fourth (top) floor will be slightly set back and treated in a different material to add variation and visual interest, whilst giving the building greater definition. No amendments are proposed to the existing building.

Both of the proposed dwellings exceed the minimum internal space standard for this type of accommodation.

### **Class AA Permitted Development Rights**

The Government introduced new permitted development rights in August 2020 to amend the Town and Country Planning Act (General Permitted Development) Order 2015 (amended 2020 No. 632). Development under Schedule 2, Part 20 ‘Construction of New Dwellinghouses’ includes a ‘Class AA’ development, where proposals comprise of ‘new dwellinghouses on detached buildings in commercial or mixed use’.

#### Class AA of Schedule 2, Part 20

Class AA of Schedule 2, Part 20 permits development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above existing mixed use detached buildings in office and residential use like the one at 106 Hampstead Road, together with any or all—

- a) *engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;*
- b) *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;*
- c) *works for the construction of appropriate and safe access and egress to the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;*
- d) *works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.”*

The proposals comprise of two additional storeys above the topmost storey of the principal part of the existing mixed use detached building for the creation of 2 flats.

#### Paragraph AA.1

Paragraph AA.1 details instances where development under Class AA is not permitted. An assessment against this criteria is provided in the table below.

<b>Class AA.1 Criteria</b>	<b>Assessment</b>
a) <i>“above ground level, the building is less than three storeys in height”</i>	Above ground level the existing building is three storeys in height.
b) <i>“the building was constructed before 1st July 1948, or after 5th March 2018”</i>	Planning permission was granted for the construction of the existing building in December 1959. The building was built in 1960.
c) <i>“on 5th March 2018 the building was in a use other than— (i) a use or mixed use within paragraph AA(2)(a) or (b); or (ii) (ii) a use falling within Class C3 of the Schedule to the Use Classes Order”</i>	On 5 <sup>th</sup> March 2018 the building was in office use over ground and basement and residential use across first and second floor levels.
d) <i>“the additional storeys are constructed other than on the principal part of the building”</i>	The extension is built on the principal part of the existing building only.

<p>e) <i>“the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—</i></p> <ul style="list-style-type: none"> <li><i>(i) 3 metres; or</i></li> <li><i>(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building”</i></li> </ul>	<p>Measured internally, the floor to ceiling heights in the proposed flats is 2.465 metres which matches the lowest storey height in the principal part of the existing building.</p>
<p>f) <i>“the new dwellinghouses are not flats”</i></p>	<p>Two residential flats within a C3 use class are proposed.</p>
<p>g) <i>“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)”</i></p>	<p>The highest part of the roof of the extended building would exceed the highest part of the roof of the existing building by 6.245 metres.</p>
<p>h) <i>“the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres”</i></p>	<p>The height of the highest part of the roof of the extended building is significantly below 30 metres.</p>
<p>i) <i>“development under Class AA(1)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development”</i></p>	<p>No visible support structures are required or proposed.</p>
<p>j) <i>“development under Class AA(1)(a) would consist of engineering operations other than works within the existing curtilage of the building to—</i></p> <ul style="list-style-type: none"> <li><i>(i) strengthen existing walls;</i></li> <li><i>(ii) strengthen existing foundations; or</i></li> <li><i>(iii) install or replace water, drainage, electricity, gas or other services”</i> </li></ul>	<p>No engineering operations other than those listed will be undertaken.</p>
<p><i>“in the case of Class AA(1)(b) development there is no existing plant on the building”</i></p>	<p>No plant is proposed on the building.</p>
<p><i>“in the case of Class AA(1)(b) development 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”</i></p>	<p>No plant is proposed on the building.</p>
<p><i>“development under Class AA(1)(c) would extend beyond the curtilage of the existing building”</i></p>	<p>The proposed development does not extend beyond the curtilage of the existing building.</p>
<p><i>“development under Class AA(1)(d) would—</i></p> <ul style="list-style-type: none"> <li><i>(i) extend beyond the curtilage of the existing building;</i></li> <li><i>(ii) be situated on land forward of a wall forming the principal elevation of the existing building; or</i></li> <li><i>(iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building”</i> </li></ul>	<p>The proposed development does not extend beyond the curtilage of the existing building; it is not situated on land forward of a wall forming the principal elevation of the existing building; nor is it situated on land forward of a wall fronting a highway and forming a side elevation of the existing building.</p>

<p><i>“the land or site on which the building is located, is or forms part of—</i></p> <ul style="list-style-type: none"> <li><i>(i) article 2(3) land;</i></li> <li><i>(ii) a site of special scientific interest;</i></li> <li><i>(iii) a listed building or land within its curtilage;</i></li> <li><i>(iv) a scheduled monument or land within its curtilage;</i></li> <li><i>(v) a safety hazard area;</i></li> <li><i>(vi) a military explosives storage area; or</i></li> <li><i>(vii) land within 3 kilometres of the perimeter of an aerodrome”</i></li> </ul>	<p>The site is not located nor forms part of land described in (i) – (vii).</p>
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Paragraph AA.2

Paragraph AA.2 states that development under Class AA is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required 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, including—
  - (i) the design and architectural features of —
    - a. the principal elevation; and
    - b. any side elevation that fronts a highway; and
  - (ii) the impact of any works under paragraph (1) (c) or (d) of Class AA;
- 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;
- h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;
- i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;
- j) 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 15th March 2012 issued by the Secretary of State.

Development under Class AA is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date and prior to the beginning of the development a Construction Management Plan must be provided to the Council.

**Assessment**

a) Transport and Highway Impacts

The submitted Transport Statement confirms the following:

- The building is located within an area of excellent accessibility, close to numerous facilities and public transport services. As such, the majority of trips associated with the site will be undertaken by sustainable modes;
- The additional trips associated with the new residential units will not lead a detrimental impact to public transport services or the operation of the local road network;
- The development will be car-free and residents will be subject to a permit-free agreement. **The Applicant agrees to securing permit-free flats under a legal agreement;**
- There are no proposed changes to the access arrangements that currently serve the site;
- Whilst dedicated cycle parking will not be provided for residents, ownership and access to bikes is still feasible; and
- All deliveries and refuse collections will be undertaken in a similar manner to the existing arrangements with a negligible increase in movements.

The addition of two 1 bedroom/1 person households in this highly accessible location will clearly not have any impact on the highway network or highway safety. Future residents will have quick and easy access to public transport and all other essential and non-essential facilities.

In the light of the above, we conclude that the proposals will not result in an unacceptable impact on the operation of the local highway and transportation network. Furthermore, in accordance with NPPF paragraph 109, the residual cumulative impacts of the development are not severe (which is the NPPF test) and, as such, the proposal should not be prevented or refused on transport grounds.

#### Air Traffic Defence Asset Impacts

The application site is located within a high density urban environment. The site is not in close proximity to aeronautical assets which will be impacted on by the proposals, and a range of local buildings already extend beyond the proposed height of the development.

This demonstrates that there will be no adverse '*air traffic and defence asset impacts of the development*'.

#### Contamination Risk

The submitted contamination report confirms that there is a low risk of contamination to any residential occupiers. This report was written after a ground investigation. There is also no asbestos in the building.

This demonstrates that there will be no '*contamination risks in relation to the building*'.

#### Flood Risk

The site is located in Flood Zone 1 representing the lowest flood risk area. The site is also located outside of a Critical Drainage Area.

The submitted Flood Risk Assessment confirms that the risk of flooding from all sources is low and that there will be no adverse '*flooding risks in relation to the building*'.

#### External Appearance

The assessment concerning external appearance relates solely to the design and architectural features of the elevations and the relationship between these features with the storeys below. It does not allow for an assessment of the appearance of the building as extended in the wider context. Part 20, Class AA of the Town and Country Planning Act (General Permitted Development) Order 2015 (amended 2020 No. 632) gives the

right to add up to two additional storeys to the building and therefore the prior approval in relation to the external appearance of the building must only relate to how the upward extension external façade appears with the building below and not the height or mass. In any event, the additional height and mass is entirely appropriate in this location.

An objection to the principle of adding height and massing, which accords with the specific criteria laid out under Class AA, would completely undermine the purpose of this PD right. The Government has already selected areas where PD upward extensions can and cannot be constructed, and therefore if the site meets the qualifying criteria (which this site does) the principle of adding height is acceptable and it is a matter of meeting the requirements of the conditions. The 'external appearance' condition very clearly relates only to the design and architectural features of "the building".

It should also be noted that the 'external appearance' wording/criteria under Part 20, Class AA, is identical to the 'external appearance' wording/criteria under Part 1, Class AA. Both relate to the external appearance of "the building" including the design and architectural features of the principal elevation and any side elevation that fronts a highway.

Of relevance, the Council stated the following in respect of 'external appearance' when recently approving all of the following upward extensions under Part 1, Class AA:

LPA Reference	Address	Description of Development	Decision	Comments
2020/5564/P	89 Fellows Road, NW3 3JS	Prior approval for the erection of an additional storey (2.88m in height) on the existing dwellinghouse (Class AA)	Prior approval granted 5 <sup>th</sup> February 2021	In the delegated report the Council state that: "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. <b>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 elevation.</b> "
2020/5771/P	4 Briary Close, NW3 3JZ	Erection of an additional storey at 3 <sup>rd</sup> floor level on existing dwellinghouse (Class AA)	Prior approval granted 8 <sup>th</sup> February 2021	The delegated report reiterate the same points as the above and also and also confirms that " <b>Camden's Local Plan policies and guidance are not relevant to the assessment</b> ".
2020/5611/P	105 Fellows Road, NW3 3JS	Erection of an additional storey 2.88m in height above existing roof level. (Class AA)	Prior approval granted 26 <sup>th</sup> January 2021	The delegated report again outlines that character, homogeneity and symmetry of the surrounding area is not one of the matters which can be considered.
2020/5570/P	25 Primrose Hill, NW3 3DG	Erection of an additional storey 2.9m in height above existing roof level,	Prior approval granted 3 <sup>rd</sup>	The delegated report notes that the character, homogeneity and symmetry of the surrounding area is not one of the matter the LPA

		with roof box 3.9m in height above existing roof level. (Class AA)	February 2021	can consider and that 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 elevation.
2020/5352/P	87 Fellows Road, NW3 3JS	Prior approval for the erection of an additional storey (2.9m in height) on the existing dwellinghouse (Class AA)	Prior approval granted 5 <sup>th</sup> January 2021	In the delegated report and in respect of external appearance, the Council only assess the design and architectural features of the principal elevation.
2020/5021/P	13 Hawtrey Road, NW3 3SS	Erection of an additional storey at 2nd floor level on existing dwellinghouse. (Class AA)	Prior approval granted 5 <sup>th</sup> January 2021	The Council confirm in the delegated report that Camden's Local Plan policies and guidance are not relevant to the assessment and that the architectural integrity and harmony of the surrounding area is not one of the matters the LPA can consider when assessing external appearance.
2020/4216/P	6 Conybeare, NW3 3SD	Erection of an additional storey 2.4m in height above existing roof level.	Prior approval granted 2 <sup>nd</sup> December 2020	In the delegated report the Council confirms that the architectural integrity and harmony of the surrounding area is not one of the matters that the Local Planning Authority can consider when assessing external appearance, and specifically states that the GPDO limits prior approval to an assessment of the external appearance of the application building in so far as it relates to the principal elevation (as no side elevation fronts a highway).

An objection to the principle of additional massing and an assessment of the external appearance of the building extending to the wider surrounding context would conflict with Part 20, Class AA.2(e) and would also highlight inconsistency in the Council's decision making. An objection in this regard would be unreasonable and unsustainable.

The external facade to the third floor will use matching materials to the existing building, whereas the fourth (top) floor will be slightly set back and treated in a different material to add variation and visual interest, whilst giving the building greater definition. No amendments are proposed to the existing building.

The proposed fenestration alignment matches the locations and proportions of the fenestration on the lower floors. This again ensures that there is a consistent rhythm to the principal façade.

Overall, the external appearance of the new floors will enhance the appearance of the host building and in particular the front and principal elevation.

### Provision of Natural Light

All of the units are west/east dual aspect and all habitable rooms have large windows. There is therefore no doubt that all of the habitable rooms will be well-lit and the living quality will be acceptable. The accompanying daylight and sunlight assessment confirms that the ADF levels of all rooms are significantly in excess of the BRE requirements.

It has therefore been demonstrated that there will be acceptable *'provision of adequate natural light in all habitable rooms of the new dwellinghouses'*.

### Impact on Neighbouring Privacy and Light

#### *Privacy and overlooking*

The proposed development introduces new flats in the same locations as they are provided at the existing first and second floor levels. The development does not introduce any new overlooking relationships. The nearest residential windows are on the opposite side of Hampstead Road which provides a good separation distance. As such, it is considered that there would be an acceptable impact on neighbouring premises with regard to overlooking and privacy.

#### *Daylight and sunlight*

A sunlight and daylight assessment has been submitted to assess the impact of the additional storeys on neighbouring dwellings. The report finds that all of the windows and rooms pass VSC, daylight distribution and APSH tests where they relate to known or suspected habitable rooms and when the GLA's guidance on assessing sunlight/daylight is taken.

As such, it has been demonstrated that there will be no adverse *'impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light'*.

### Noise Impact

The submitted noise report confirms that the proposed extension at third and fourth floor will provide an acceptable living environment and that future residents will not be adversely impacted by *'noise from any commercial premises'*.

### Impacts on Trade and Business

The existing building already contains residential dwellings and the area has a mixed use character with residential dwellings occupying upper floors. The introduction of two new flats at the site will therefore have no adverse impact on trade and business. Indeed, the provision of two new households in this mixed use area will have a positive impact on local businesses.

### Impact on Protected Views

There are a number of important views across the capital from parks and other public spaces that take in important buildings which help define London. The London Plan protects these and sets out its guidance in the London View Management Framework (LVMF) which was published in March 2012.

Maps showing the overall extent of the protected vistas in proximity to the site are shown on page 15 of the enclosed Design & Access Statement. As can be seen from assessment point 2B.1, the site sits within the Landmark Viewing Corridor from Parliament Hill towards the Palace of Westminster.

As the proposal will not be taller than the adjacent Margarete Centre, then the proposals will not have any effect on the view corridor.



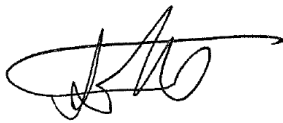
In view of the above, there will be no adverse *impact on 'a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State'*.

**Conclusion**

It is proposed to construct two additional storeys of new dwellinghouses above 106 Hampstead Road under Part 20, Class AA of the amended Order.

This letter has demonstrated compliance with Class AA qualifying criteria and conditions. The Council is therefore respectfully requested to grant prior approval.

Yours faithfully,

A handwritten signature in black ink, appearing to be "A. Frendo", written in a cursive style with a long horizontal stroke extending to the right.

Anthony Frendo BA (Hons) MSc MRTPI  
Associate Director  
Planning