

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	16/02/2021
		N/A	<b>Consultation Expiry Date:</b>	20/02/2021
<b>Officer</b>			<b>Application Number(s)</b>	
Nathaniel Young			2020/6009/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
22 Lower Merton Rise London NW3 3SP			<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>				
Prior approval for the erection of an additional storey on 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:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>03</b>	No. of responses	<b>06</b>	No. of objections	<b>02</b>

Site notice: 27/01/21-20/02/21.  
Notification letters to adjoining occupiers: 26/01/21-16/02/21.

3 support comments were received.

1 neutral comment was received from the occupier of 24 Lower Merton Rise which neither supported nor objected to the principle of the development. The commenter did go on to state that they objected to the *timing* of the proposed works.

Officer response

- The Council cannot control when an application is submitted nor when a developer chooses to implement permission. Noise caused as result of construction is not material consideration when assessing an application of this nature. Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. Any building works that can be heard at the boundary of the site must be carried out only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. If this is breached, residents are advised report this to the Council's noise team for investigation.

**Summary of consultation responses:**

2 objection comments were received. Occupiers of 37 and 39 Elliott Square raised the following concerns:

- Inappropriate design
- Loss of light and outlook
- Loss of privacy

Officer response

- The principle of an additional storey has been established as acceptable through the new legislation. Assessment of the external appearance is limited to scale and materiality. The additional storey would be of an appropriate scale, similar to the existing storeys and the materials would be made to match. As such, the proposal is considered to comply with the relevant criteria.
- Daylight/sunlight report has been submitted which demonstrates that the proposal would cause no undue loss of light. The additional storey would not unduly obstruct the outlook of neighbouring habitable windows, it is of a sufficient distance from neighbouring properties and of a scale as to not be considered overbearing in nature.
- The distance between the newly created windows and the habitable windows of the properties to the rear would be approximately 18m which is considered an acceptable distance as to not result in an undue loss of privacy. The windows created would not afford new views beyond what has been established by existing upper floor fenestration.

## Site Description

The application site is located within the Chalcots Estate. The site contains a three-storey, mid-terrace, residential property.

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

## Relevant History

### 10 Lower Merton Rise

2021/0749/P: Prior approval for the erection of an additional storey (2.9m in height) on the existing dwellinghouse. Prior approval granted 31.03.21.

## Relevant policies

### National Planning Policy Framework (2019)

### General Permitted Development Order (2015) (as amended)

## Assessment

### 1. Proposal

- 1.1. The proposal seeks prior approval for an additional storey above the existing third floor flat roof which would be 2.8m in height above the existing flat roof level.
- 1.2. Part 1, Class AA of Schedule 2 of the GPDO 2015, 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
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
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
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?	No
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

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)
<p><u>Impact on the amenity of adjoining premises</u></p> <p>2.2. A daylight/sunlight report has been submitted which demonstrates that the proposal would cause no undue loss of light. The additional storey would not unduly obstruct the outlook of neighbouring habitable windows, it is of a sufficient distance from neighbouring properties and of a scale as to not be considered overbearing in nature. No new views into neighbouring habitable windows would be afforded beyond what has been established by existing fenestration.</p> <p><u>The design and architectural features of the principal and side elevation</u></p> <p>2.3. 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.</p> <p><u>Air traffic and defence asset impacts</u></p> <p>2.4. Given the scale and siting of the development, there would be no impact on air traffic or defence assets.</p> <p><u>Impact on protected views</u></p> <p>2.5. The site does not fall within any views identified by the London View Management Framework.</p> <p>3. <b>Recommendation:</b> Grant prior approval</p>		