

14 Tobin Close, London NW3 3DY ref.
2021/0270/P



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Photo 1 (above): Birds eye view of front elevation of No. 14 Tobin Close and surroundings looking south (red arrow indicates application site)



Photo 2 (above): Birds eye view of rear elevation of No. 14 Tobin Close and surroundings looking north (red arrow indicates application site)



Photo 3 (above): Front elevation of No. 14 Tobin Close looking south (black arrow indicates application site)



Photo 4 (above): Front elevations of Nos. 9-14 Tobin Close and Chalcot Lodge looking south (black arrow indicates application site)



Photo 5 (above): Rear elevations of Nos. 9-14 Tobin Close looking north as viewed from the opposite side of Adelaide Road



Photo 6 (above): Rear elevations of Nos. 1-2 Tobin Close looking north-west as viewed from front window of No. 13 Tobin Close at 12pm on 08/04/2021, showing the shadow cast by the existing buildings Nos. 1-9 Tobin Close



Photo 7 (above): Rear building line of Nos. 1-8 Tobin Close looking north as viewed from front window of No. 13 Tobin Close at 12pm on 08/04/2021, showing the shadow cast by the existing buildings Nos. 1-9 Tobin Close



Photo 8 (above): Rear building line of Nos. 1-8 Tobin Close looking north as viewed from front window of No. 13 Tobin Close at 12pm on 08/04/2021, showing the shadow cast by the existing buildings Nos. 1-9 Tobin Close

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	03/03/2021
		N/A		Consultation Expiry Date:	20/03/2021
Officer			Application Number(s)		
Charlotte Meynell			2021/0270/P		
Application Address			Drawing Numbers		
14 Tobin Close London NW3 3DY			Refer to Draft Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of an additional storey at 3rd floor level on existing dwellinghouse.					
Recommendation(s):		Grant Prior Approval			
Application Type:		GPDO Prior Approval Part 1 Class AA			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	13	No. of responses	07	No. of objections	04
Summary of consultation responses:	A site notice was displayed from 24/02/2021 to 20/03/2021. The adjacent neighbours at No. 13 Tobin Close and Flats 1-12 Chalcot Lodge, 100 Adelaide Road were notified of the proposals by letter on 03/03/2021.					
	3 objections were received from occupiers of Nos. 3 and 6 Tobin Close; and an unknown address. A further objection was received on behalf of the occupiers of Nos. 1-8 Tobin Close.					
	The following concerns were raised:					
	<u>Daylight and sunlight:</u> 1. The south side of Nos. 1-8 Tobin Close is the only side where there is light and sun; if an additional floor were added to Nos. 9-14, our light would be seriously impacted on. Light was already reduced when the 2 floors were added to Kings College Court. 2. I have recently built a wildlife garden with a pond and fear the reduction of natural light will be detrimental to my attempt to promote wildlife in the urban environment.					
	<u>(Officer response:</u> please refer to paragraph 2.2 of the report.)					
	<u>Loss of privacy:</u> 3. Nos. 1-8 Tobin Close are the dwarves in the area – the houses from Fellows Road, to the north, are 3 stories at the back and overlook completely 1-8 Tobin. They have a bird's eye view into our bedrooms on the north side. We are further dwarfed by Kings College Court to the east, and with the 2 additional stories, said dwarfing is worse. To the south we are already dwarfed by the block of flats and the houses 9-14- Tobin. They too have a birds eye view into our patios, rooms etc. If the said development of 9-14 were to go ahead, our daily experience of living in these houses would be of buildings on top of our heads. Our privacy would be completely limited and compromised.					
	<u>(Officer response:</u> please refer to paragraph 2.3 of the report.)					
	<u>Design and appearance:</u> 4. Nos. 1-8 Tobin Close only have 2-storey properties with low-rise roofs. A recent application to increase the height of our roofs by less than 1m to create enough space for loft conversions was refused because of the 'affect on the Chalcot Estate'. We therefore find it even more unacceptable to contemplate 4-storey homes intruding ours.					
	<u>(Officer response:</u> The General Permitted Development (England) (Amendment) (No. 2) Order 2020 sets out the matters that can be					

considered. 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 2.5 and 2.6 of the report for the assessment of the design and architectural features of the principal elevation.)

Impact on value of properties:

5. The proposals will affect the value of Nos. 1-8 Tobin Close, given that we would be 'hemmed in' on all sides – with a taller Kings College to the east, 3-storey properties facing ours on Fellows Road, the Dorney tower block to the west and now 4-storey homes proposed to the south.

*(**Officer response:** the impact of a proposal on property values is not a material planning consideration and has no bearing on the planning process.)*

Consultation:

6. The residents of Nos. 1-8 Tobin Close are astonished that we were not directly notified of these applications given that the work will significantly impact all of our properties.

*(**Officer response:** The Local Planning Authority (LPA) has fulfilled its statutory duty under the prior approval process to notify the directly adjacent neighbouring properties by letter. The application was also published in the weekly list of applications and residents who have signed up to planning email alerts were notified of the application electronically.)*

3 letters of support were also received from 13 Tobin Close; 27 Brocas Close; and 94 Fellows Road.

The following points were raised:

- The area needs more larger homes that can accommodate bigger families. Many families end up moving out of the area as larger properties are hard to come by unless one has unlimited budgets, which is a loss for the local community.
- The separation distances over about 25m between the properties to the north and south will ensure that neighbouring daylight and sunlight is not affected.
- The neighbourhood will benefit from the cohesive, simultaneous application of the new permitted development rules. Good to see such a wonderfully joined up group of houses.
- The proposal will create a more even look as Nos. 9-14 are at a lower level than upper Tobin Close and dwarfed by the Dorney and Kings College Court towers.
- There will be no additional loss of privacy in the area as the two tower blocks are far taller than a 4 storey house.
- The proposals would add value to the property and to all those around.

Site Description

14 Tobin Close is a three storey, mid-terrace, brick and white rendered 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 of the properties within the terrace, as well as the properties on the opposite side of Adelaide Road to the south.

The property directly adjoins Chalcot Lodge, a three storey block of 12 flats. Chalcot Lodge shares the same rear building line as the terrace of 9-14 Tobin Close, but the front building line is set slightly further forward.

The application site is located within a planned residential estate (known as the Chalcots Estate), between Fellows Road to the north and King Henry's Road to the south, dating from the 1960's.

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

No relevant planning history at host building.

13 Tobin Close (adjacent neighbouring property)

2021/0161/P - Erection of additional storey (approx 2.9m in height) on existing dwellinghouse. **GPDO Prior Approval Class AA application under consideration**

9 Tobin Close

2021/0162/P - Erection of additional storey (approximately 2.9m in height) to residential dwellinghouse. **GPDO Prior Approval Class AA application under consideration**

10 Tobin Close

2021/0269/P - Erection of an additional storey at 3rd floor level on existing dwellinghouse. **GPDO Prior Approval Class AA application under consideration**

11 Tobin Close

2021/0163/P - Additional storey to residential building. **GPDO Prior Approval Class AA application under consideration**

12 Tobin Close

2021/0328/P - Erection of an additional storey 2.8m in height above existing roof level, with roof box 3.8m in height above existing roof level. **GPDO Prior Approval Class AA application under consideration**

Relevant policies

National Planning Policy Framework (NPPF) 2019

- **Paragraphs 95, 124-130**

Camden Planning Guidance

CPG Amenity (2021)

Assessment

1. Proposal

- 1.1. The proposal seeks prior approval for an additional storey with roof box, above the existing second floor flat roof. The existing building has a height of 8.6m to the top of the parapet wall and a height of 10.6m 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 11.4m to the top of the parapet wall and 13.4m to the top of the roof of the proposed roof box. This would result in an overall increase in height of 2.8m 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. 13.4m)
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. 2.8m)
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. 2.8m)
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 (Proposed 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 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 applicant has submitted four letters from a daylight and sunlight consultant, which have considered the potential impact of the proposed development on the properties on the opposite side of Tobin Close to the north of the site. The letters also consider the potential cumulative impact of the proposed additional storeys at Nos. 9-14 (inclusive) Tobin Close on these neighbouring properties. The analysis demonstrates that given the separation distance of approximately 28m between the front building line of No. 14 Tobin Close and the rear building line the properties on the opposite side of Tobin Close, the proposals would pass the 25 degree test and the BRE guidelines would be achieved. The analysis also demonstrates that the rear gardens of the properties on the opposite side of Tobin Close would exceed 2 hours of

direct sunlight on 21st March, which complies with the BRE guidelines. The proposals would therefore not have a detrimental effect on daylight and sunlight to neighbouring properties, nor overshadowing to neighbouring rear gardens.

- 2.3. The additional storey would have windows at the front and rear. There is a separation distance of approximately 28m from the principal front building line of the property and the rear building line of the properties on the opposite side of Tobin Close, and a separation distance of approximately 38m between the principal rear building line of the property and the rear building line of the properties to the north of Quickswood, on the opposite side of Adelaide Road. These separation distances 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.
- 2.4. 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

- 2.5. The proposal seeks to extend the main part of the building by one storey to create two additional bedrooms and a bathroom at third 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 be 0.1m lower than that of the existing second floor below. Three new rooflights would be inserted into the proposed flat roof in place of the existing three rooflights. A replacement roof storage box would be installed on the flat roof of the proposed third 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.
- 2.6. The proposal would match the existing building material pallet and detailing with white painted brickwork and a white render band above. 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

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

Impact on protected views

- 2.8. 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 Tuesday 1st June 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 and search for 'Members Briefing'.

Application ref: 2021/0270/P
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Date: 25 May 2021

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DRAFT

DECISION

Dear Sir/Madam

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:
14 Tobin Close
London
NW3 3DY

Description of the proposed development:

Erection of an additional storey at 3rd floor level on existing dwellinghouse.

Details approved by the local planning authority:

Drawing Nos: EX0; EX1; EX2; EX4; EX5; EX6; PP1; PP2; PP3; PP4 Rev. A; PP5 Rev. A; PP6 Rev. A; PP7 Rev. A; PP8 Rev. A; Daylight and Sunlight Letter (dated 12/03/2021, prepared by CHP Surveyors Ltd); Daylight and Sunlight Letter (dated 22/03/2021, prepared by CHP Surveyors Ltd); Daylight and Sunlight Letter (dated 01/04/2021, prepared by CHP Surveyors Ltd); Daylight and Sunlight Letter (dated 30/04/2021, prepared by CHP Surveyors Ltd).

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

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