

Delegated Report		Analysis sheet		Expiry Date:		23/06/2021	
		N/A		Consultation Expiry Date:		02/07/2021	
Officer				Application Number(s)			
Charlotte Meynell				2021/2341/P			
Application Address				Drawing Numbers			
7 Briary Close London NW3 3JZ				Refer to 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	02	No. of responses	00	No. of objections	00	
Summary of consultation responses:	Site notices were displayed from 08/06/2021 to 02/07/2021. Letters were posted to the adjacent neighbours at Nos. 6 and 8 Briary Close on 08/06/2021 to notify them of the proposals. No comments were received following consultation.						
Site Description							
7 Briary Close is a three storey, mid-terrace, brick and white rendered residential dwelling with a flat roof on the south-eastern 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 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. Briary Close is a cul-de-sac with the terraced properties forming a U-shape to the east, west and south around a central grassed area of public open space. 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

Application site

No planning history.

4 Briary Close (neighbouring property within adjacent terrace)

2020/5771/P – Erection of an additional storey at 3rd floor level on existing dwellinghouse. **Prior approval granted 08/02/2021**

9 Briary Close (neighbouring property within same terrace)

2020/5246/P – Erection of an additional storey (2.9m in height) on the roof of the existing dwellinghouse. **Prior approval granted 02/03/2021**

12 Briary Close (neighbouring property within same terrace)

2020/5772/P – Erection of additional storey to dwellinghouse. **Prior approval 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, above the existing second floor flat roof. The scheme has been revised during the course of the application to remove the proposed replacement roof box. The existing building has a height of 8.6m to the top of the flat roof and 9.7m to the top 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 11.3m to the top of the flat roof, which would result in an overall increase in height of 1.6m 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. 11.3m)

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. 1.6m)
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. 1.6m)
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	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 a daylight and sunlight report which assesses the impact on Nos. 1-17 (consecutive) 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.
- 2.3. The additional storey would have windows at the front and rear. There is a separation distance of approximately 37m from the principle front building line of the property and the rear building line of the terrace of properties Nos. 107-121 (odd) Fellows Road on the opposite side of Briary Close, and a separation distance of approximately 36m between the principle rear building line

of the property and the rear and flank building lines of the properties Nos. 90-94 (even) Hawtrey Road and Nos. 179 and 181 Adelaide Road 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 building by one storey to create two additional bedrooms and two en-suite bathrooms 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 2.4m, which would match the existing floor to ceiling height of the ground floor and would be 0.1m lower than the existing floor to ceiling height of the first and second floors. Three rooflights would be inserted into the proposed flat roof in place of the existing three rooflights. The applicant has revised the scheme during the course of the application to remove the replacement roof storage box from the proposals. This is considered to be acceptable 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