

Date: 29<sup>th</sup> June 2021  
Our Ref: 21.5088

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Dear Sir/Madam,

## Re: 106 King Henry's Road, NW3 3SL – Prior Notification

On behalf of our clients, Gidon Katz and Debra Tammer, we enclose a submission seeking Prior Approval for the construction of an additional residential storey on the above property. This Prior Approval application is submitted under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020 (the "Order").

Section AA.3. of the Order sets out the procedure for applications for Prior Approval. It states (AA.3. (2)) that an application submitted to the local authority by a developer for Prior Approval under Class AA must be accompanied by:

- (a) A written description of the proposed development, including details of any works proposed;
- (b) A plan which is drawn to an identified scale and shows the direction of North, indicating the site and showing the proposed development; and
- (c) A plan which is drawn to an identified scale and shows –
  - (i) The existing and proposed elevations of the dwellinghouse, and
  - (ii) The position and dimensions of the proposed windows.

This covering letter includes a written description of the development. Enclosed with the application are a Site Location Plan, a plan showing the direction of north indicating the site and showing the proposed development, and existing and proposed elevation plans prepared by StudioCaver showing the dimensions of the proposed development, and positions and dimensions of proposed windows.

## The Application Site

The site comprises a two storey, terraced residential dwelling with a roof box, located on the north side of King Henry's Road within the Chalcots Estate (the "Estate"). It was originally constructed in the 1970s.



The character of the surrounding area is predominantly residential, with neighbouring properties being similar in appearance, sharing architectural features, such as roof boxes and being constructed in brick with render. To the rear, the existing dwelling looks out onto an area of public open space.

On the opposite (south side) of King Henry's Road is a row of larger, 4 storey, brick built properties.

The site benefits from a PTAL score of 4 and is not within the setting of any listed building, nor does the site fall within a Conservation Area. The site falls within Flood Zone 1 indicating a low probability of flooding.

### **Written Description of the Proposed Development (AA.3.(2)(a))**

It is proposed to construct an additional residential storey on the existing residential property at 106 King Henry's Road, NW3 3SL, in line with the standards set out within Class AA, Schedule 2, Part 1 of the GPDO. The proposed additional storey would be constructed on the principal part of the existing dwellinghouse.

It would accommodate a master bedroom with en-suite bathroom, a dressing room and a home gym. In line with the requirements of the Order, no windows will be located on the side elevations of the additional storey. Additional windows will be located in the front and rear elevations in order to provide the new bedrooms with good levels of natural light. The total height of the additional storey, at approximately 2.8 metres, falls well within the parameters set by the Order.

As demonstrated on the accompanying plans, the materials for the additional storey have been carefully selected in order to match the materials of the existing dwellinghouse. The brickwork and render have been designed to match the existing materials, along with the concrete coping stone. This ensures that the additional storey is seen as a natural extension of the existing dwellinghouse and not as a separate element.

This application will see the removal of the existing roof box. However, Officers at Camden have confirmed that this is acceptable and the application will still be determined under Class AA Permitted Development. This is a position confirmed by the recent granting of a Prior Approval application at 54 Hawtrey Road (Ref: 2021/0453/P) and at 12 Briary Close (Ref: 2020/5772/P).

The additional storey has been carefully and sensitively designed to ensure that it is in complete compliance with all the criteria set out within Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020.

### **Compliance**

Paragraph AA.1 of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020 sets out the criteria for which development is not permitted under Class AA. This includes if:

- (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).

*The house was originally built as a Class C3 dwelling and has not been authorised by any Class under Part 3 of Schedule 2.*

- (b) the dwellinghouse is located on (i) article 2(3) land; or (ii) a site of special scientific interest.

*The dwellinghouse is located on neither Article 2(3) land or a SSSI.*

- (c) the dwellinghouse was constructed before 1<sup>st</sup> July 1948 or after 28<sup>th</sup> October 2018.

*The dwellinghouse was originally built in the 1970s.*

- (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.

*The dwellinghouse has not been enlarged by the addition of any additional storeys above the original dwellinghouse.*

- (e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres.

*The development would not result in the highest part of the roof of the dwellinghouse exceeding 18 metres.*

- (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.

*The development would not exceed 7 metres at the highest part of the roof of the existing dwellinghouse.*

- (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.

*The dwellinghouse is not detached and the highest part of the development would not exceed the height of the highest part of the roof of every other building in the row in which it is situated by more than 3.5 metres.*

- (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 principle part of the existing dwellinghouse.

*The floor to ceiling height of the additional storey would not exceed the internal floor to ceiling height of any storey of the principal part of the existing dwellinghouse.*

- (i) any other additional storey is constructed other than on the principal part of the dwellinghouse.

*The additional storey will be constructed on the principal part of the dwellinghouse.*

- (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.

*The development would not include any visible support structures on or attached to the exterior of the dwellinghouse.*

- (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.

*The development would not include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.*

The dwellinghouse was not originally constructed before 01<sup>st</sup> July 1948 or after 28<sup>th</sup> October 2018; or if the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse. None of these apply to the subject property meaning that development is permitted under Class AA.

Further to this, as can be seen on the accompanying drawings, following development, the height of the highest part of the roof of the dwellinghouse would not exceed 18m; the height of the highest part of the roof of the dwellinghouse would not exceed the height of the highest part of the roof of the existing dwellinghouse by more than 7m; the height of the highest part of the roof, in the case of a terraced house, would not exceed by more than 3.5m the height of the highest part of the roof of every other building in the row in which it is situated; and the floor to ceiling height of the additional storey does not exceed 3m. The development will only be constructed on the principle part of the existing dwellinghouse and will not include the provision of any visible support structures or any engineering operations other than works within the curtilage of the existing dwellinghouse.

The development is therefore compliant with the requirements to benefit from Class AA permitted development – enlargement of a dwellinghouse by construction of additional storeys.

## Conditions

**AA.2.**—(1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).

(2) The conditions in this sub-paragraph are as follows—

(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;

*The materials to be used in the construction of the additional storey are of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.*

(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwellinghouse;

*The development does not include a window in any wall or roof slope forming a side elevation of the dwellinghouse.*

(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; and

*The roof pitch of the principal part of the dwellinghouse following the development will be the same as the roof pitch of the existing dwellinghouse.*

(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.

*Following the development, the dwellinghouse will only be used as a dwellinghouse in accordance with Class C3 of the Schedule of the Use Class Order.*

In accordance with the conditions set out within Paragraph AA.2 (2) of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020, the external materials have been carefully selected so as to ensure they are of a similar appearance and reflect those used in the construction of the exterior of the existing house.

In addition, the development does not include windows in any wall or roof slope forming a side elevation of the dwellinghouse.

In regards to the roof pitch of the development, this is the same as the roof pitch of the existing dwellinghouse.

The external design of the development has been carefully and sensitively designed so as to ensure that the materials used are of a similar appearance to the existing and that the roof pitch remains unchanged with no windows in any side elevation. The development is therefore in complete accordance with criteria (ii) of paragraph AA.2 (3) (a) of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020.

## Prior Approval

Paragraph AA.2 (3) (a) of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020 states that before beginning the development, the developer must 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 principle 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 15<sup>th</sup> March 2012 issued by the Secretary of State.

We address each of these points, in addition to points in regards to transport, contamination and flood risk, below with further detail provided in the supporting documents.

### (i) Impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light

The existing dwellinghouse, due to its position and setting, does not result in any detrimental impacts on neighbouring properties.

The erection of an additional storey will not result in any further impact on neighbouring amenity. At the rear, the dwellinghouse faces onto an area of public open land. As this land to the rear is not in private use as gardens, the erection of an additional storey will not increase overlooking or loss of privacy to neighbouring properties.

The development is therefore in compliance with criteria (i) Paragraph AA.2 (3) (a) of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020.

### (ii) The external appearance of the dwellinghouse

The subject property comprises a two storey, terraced residential dwelling constructed in brick with render and concrete coping stone. The property reflects the design and architectural features of neighbouring properties which are also constructed in brick with render and concrete coping stone.

The external appearance of the development respects the established character of the area and uses materials to match the existing so that the additional storey is seen as part of the existing dwellinghouse and not as a separate element. As can be seen on the accompanying drawings, the additional storey will be constructed in the same design and with the same architectural features of both the host property and neighbouring properties. Brick and render with long windows are a characteristic of the Estate and as such, have been incorporated into the design of the proposal and ensure the additional storey positively respects and complements the existing and established character of the Estate.

The extension has been designed so as to allow neighbouring properties, if the wish, to build similar extensions up to the boundary of the proposed extension with no gaps between. This will help to ensure and create consistency within this sector of the Chalcots Estate.

The proposed design is consistent with that of the recently approved at 15 Lower Merton Rise (Ref: 2019/5419/P) but has no setback, and the Prior Approval recently approved at 6 Conybeare (Ref: 2020/4216/P), 54 Hawtrey Road (Ref: 2021/0453/P) and 4 Briary Close (Ref: 2020/5771/P) as well as numerous other similar applications throughout the Estate. This application is therefore also considered to be acceptable.

The external design of the additional storey has therefore taken into consideration, and included, the architectural features of the existing dwellinghouse and, as such, is in full compliance with the Order.

(iii) Air traffic and defence asset impacts of the development

The development site is not within an airport or defence asset safeguarding zone and so will not result in an impact to either air traffic or defence assets.

The development is therefore in accordance with criteria (iii) of paragraph AA.2 (3) (a) of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020.

(iv) Impact on a protected view identified in the Directions Relating to Protected Vistas

The property is not identified as falling within any Protected Vista and as such, will not result in any impact on Protected Vistas.

Notwithstanding this, it is worth noting that given the minor scale of the development, even if the property was situated within a Protected Vista, the proposal would still not have any impact on the view due to its small scale of development.

The development is therefore in accordance with criteria (iv) of paragraph AA.2 (3) (a) of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020.

## **Summary**

In summary, the submitted documents demonstrate that the site is suitable in terms of amenity and external appearance. The enlargement of the existing dwellinghouse by the construction of an additional residential storey is therefore considered acceptable and fully complies with the requirements of Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020 meaning that prior approval should be granted by the Council.

Yours sincerely,

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