

Delegated Report (Members Briefing)	Analysis sheet	Expiry Date:	1. 08/03/2021 2. 11/03/2021 3. 22/03/2021 4. 08/03/2021
	N/A	Consultation Expiry Date:	1. 14/06/2021 2. 14/06/2021 3. 12/06/2021 4. 14/06/2021
Officer		Application Number(s)	
1. John Sheehy 2. John Sheehy 3. David Peres Da Costa 4. John Sheehy		1. 2021/0162/P 2. 2021/0163/P 3. 2021/0328/P 4. 2021/0161/P	
Application Address		Drawing Numbers	
1. 9 Tobin Close, London, NW3 3DY 2. 11 Tobin Close, London, NW3 3DY 3. 12 Tobin Close, London, NW3 3DY 4. 13 Tobin Close, London, NW3 3DY		Refer to Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature
Proposal(s)			
1. Erection of additional storey (2.8m in height) on existing dwellinghouse, with roof box 3.8m in height above existing roof level. 2. Erection of additional storey (2.8m in height) on existing dwellinghouse, with roof box 3.8m in height above existing roof level. 3. Erection of an additional storey 2.8m in height above existing roof level, with roof box 3.8m in height above existing roof level. 4. Erection of additional storey (2.8m in height) on existing dwellinghouse, with roof box 3.8m in height above existing roof level.			
Recommendation(s):		1. Grant Prior Approval 2. Grant Prior Approval 3. Grant Prior Approval 4. Grant Prior Approval	
Application Type:		1. GPDO Prior Approval Part 1, Class AA 2. GPDO Prior Approval Part 1, Class AA 3. GPDO Prior Approval Part 1, Class AA 4. GPDO Prior Approval Part 1, Class AA	

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers: 2021/0162/P			No. of responses	30	No. of objections	21
Adjoining Occupiers: 2021/0163/P			No. of responses	29	No. of objections	20
Adjoining Occupiers: 2021/0328/P			No. of responses	18	No. of objections	09
Adjoining Occupiers: 2021/0161/P			No. of responses	33	No. of objections	22
Summary of consultation responses:	<p>Site notices were displayed for 2021/0162/P on 21/05/2021 (expiring 14/06/2021).</p> <p>Site notices were displayed for 2021/0163/P on 21/05/2021 (expiring 14/06/2021).</p> <p>Site notices were displayed for 2021/0328/P on 19/05/2021 (expiring 12/06/2021).</p> <p>Site notices were displayed for 2021/0161/P on 21/05/2021 (expiring 14/06/2021).</p> <p>For 2021/0162/P, twenty one letters of objection were received from the occupiers of 1, 2, 3, 4, 5, 6 and 8 Tobin Close and four unidentified properties. An objection was also received from the occupier of 3 Tobin Close (on behalf of all residents at numbers 1-8 Tobin Close). Nine letters of support were received.</p> <p>For 2021/0163/P, twenty letters of objection were received from the occupiers of 1, 2, 3, 4, 5, 6 and 8 Tobin Close and four unidentified properties. An objection was also received from the occupier of 3 Tobin Close (on behalf of all residents at numbers 1-8 Tobin Close). Nine letters of support were received.</p> <p>For 2021/0328/P, nine letters of objection were received from the occupiers of 1, 2, 3, 4, 5, 6 and 8 Tobin Close and two unidentified properties. An objection was also received from the occupier of 3 Tobin Close (on behalf of all residents at numbers 1-8 Tobin Close). Nine letters of support were received.</p> <p>For 2021/0161/P, twenty two letters of objection were received from the occupiers of 1, 2, 3, 4, 5, 6 and 8 Tobin Close and four unidentified properties. An objection was also received from the occupier of 3 Tobin Close (on behalf of all residents at numbers 1-8 Tobin Close). Eleven letters of support were received.</p> <p>The letters of support made the following points:</p> <ul style="list-style-type: none"> - creates a more family friendly property - ensures cohesion in design with neighbouring properties and other properties in the same row (as a result of the simultaneous proposed developments to the row of properties); and if they are able to build at the same time, disruption will be minimised. - is in keeping with developments in close proximity - ensures that there is no adverse impact to daylight or sunlight of other properties 					

- space at the front of these houses for the construction vehicles, so disturbance to neighbours will be minimised.
- Dorney and Kings College Court are at either end of Tobin Close, and all of the houses on Tobin Close are already overlooked by these tall buildings.

The objectors raised the following concerns:

Amenity

- Concerned about the loss of winter sun
- lose sun in our sitting room and kitchen from November to February
- having already lost light to our homes and gardens by additional 4-storeys recently built onto Kings College Court (at the end of our close to the east of our homes i.e. where the sun rises) these new applications mean that we will now all lose significantly more light. We are north/south facing and the properties seeking application are directly south of our homes, so we will lose the light for most of the day - another floor will block almost the entirety of the sky; to the west of Tobin Close, the Dorney and Bray tower blocks obstruct the sun at the end of the day. The additional storey will also cause us to feel completely 'penned in' by all three developments.
- The front of my house at 3 Tobin Close only has very minimal light on the ground floor; therefore the only real light into the house is from the rear - the patio doors and kitchen windows. This light will be significantly blocked by the proposed works to the houses at 9-13 Tobin Close, particularly in the winter and this will affect our mental health.
- Will block out sunlight coming into the gardens of Nos 1-8 Tobin Close.
- Another storey will be completely intrusive - not only looking into our homes but also our rear patios - our privacy will be fundamentally affected.
- Work from home and given that my workspace is at the rear of the house, I will be permanently overlooked, which is entirely unacceptable.
- The sunlight from the south in winter also helps to keep my house warm, which keeps my already-steep utility bills manageable.
- Will negatively affect my and my children's well-being by reducing our quality of life.
- There is also potential for noise intrusion from any balcony facing Tobin Close.
- already dwarfed by surrounding properties

Officer's comment: *The applicant's daylight and sunlight submission demonstrates that the proposed development would be below the 25 degree line. The BRE guidance states that if this angle is less than 25 degrees for the whole of the development then it is unlikely to have a substantial effect on the diffuse skylight and sunlight enjoyed by the existing building. In terms of overshadowing, the gardens of 1-8 Tobin Close will exceed 2 hours of direct sunlight on 21st March and therefore the BRE guidelines will be achieved. The additional storey at third floor level does not include a balcony. The site is approximately 27.5m from the rear elevation of 1-8 Tobin Close and approximately 22.6m from the gardens of these properties. Given the distance separating these properties, the additional storey would not appear overbearing. For further details, please refer to the assessment of the impact on the extensions on the amenity of adjoining premises*

(paragraphs 2.3-2.13 below).

Design

- Out of keeping with the character of the row of terraces
- height is out of keeping with the flats immediately next door (Chalcot Lodge) and with all the other 3 storey townhouses in the Chalcot estate
- If only some of them build an additional storey, there would be an unsightly and uneven skyline at Nos. 9-14 Tobin Close

Officer's comment: *The General Permitted Development (England) (Amendment) (No. 2) Order 2020 sets out the matters that can be considered. The character, homogeneity and symmetry 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. 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. The design of the proposed additional storey has been assessed and the materials and windows would match the design of the floors below and therefore maintains the architectural integrity of this property. The design is therefore considered acceptable in relation to the judgement that can be made.*

Other

1. Affect the value of our properties
2. Astonished that we were not all directly notified of these applications
3. Will create more light pollution
4. The extra storey would most likely mean more residents. Extra residents would of course need extra parking
5. Affect on HS2 which will run underground close to these buildings
6. How can this possibly be granted when our application for a few inches to our roofs was rejected?

Officer's comment:

1. *The impact on property values is not a material planning consideration.*
2. *Site notices were displayed for all the applications.*
3. *The light spill from the additional storey would not be considered harmful in this urban context.*
4. *An increase in the number of people who could occupy the subject property is not relevant to the assessment of the upward extension under the prior approval process.*
5. *The prior approval process sets out specific matters which can be considered and consultations that may be made. These matters do not include impact on HS2. Nevertheless, it is considered unlikely that a roof extension would have any impact on HS2.*
6. *The application for the extension of the roof at Nos.1 and 2 Tobin Close, including the raising of the ridge and eaves and rear dormers (2015/0624/P) was for planning permission. Such an application is assessed in accordance with the Development Plan and any other material considerations. However, the current application is permitted development under Part 1, Class AA of the Town and Country Planning (General Permitted Development) Order 2015 and the Council's policies and guidance are not relevant for such an application.*

<p>CAAC/Local groups comments:</p>	<p>The following objection was received against 2021/0161/P, 2021/0162/P and 2021/0163/P:</p> <p>“Hemmed in on two sides as they are at present, the proposal to add a fourth floor would by increasing the height and bulk of the six properties would increase the overlooking and further reduce daylight and would create an oppressive and overbearing appearance.”</p> <p>D J Kelley for Belsize Conservation Area Advisory Committee</p> <p>Officer response: <i>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. The design of the proposed additional storey has been assessed and the materials and windows would match the design of the floors below and therefore maintains the architectural integrity of this property. The design is therefore considered acceptable in relation to the judgement that can be made. The site is not located in a Conservation Area.</i></p>
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Site Description

The properties form part of a terrace of three storey properties with a flat roof on the south side of Tobin Close. Number 9 is an end of terrace property and numbers 11, 12 and 13 are mid-terrace properties.

The application site is located within a planned residential estate (known as the Chalcot Estate) dating from the 1960’s. The majority of the houses on the estate are terraced.

The surrounding area is residential in character. To the east of the site is the 12 storey King’s College Court. To the west of the site is a 23 storey residential block, Dorney. The application is not within a Conservation Area and the host building is not listed.

Relevant History

10 Tobin Close

GPDO Prior Approval – Part 1 – Class AA
2021/0269/P: Erection of an additional storey at 3rd floor level on existing dwellinghouse. Grant prior approval 02/06/2021

14 Tobin Close

GPDO Prior Approval – Part 1 – Class AA
2021/0270/P: Erection of an additional storey at 3rd floor level on existing dwellinghouse. Grant Prior Approval 02/06/2021

Kings College Court, 55 Primrose Hill Road

2013/6388/P: Erection of three storey roof extension to provide 4 self contained flats (2x2beds and 2x3beds), single storey extension to east elevation for new entrance, installation of balconies to all flats together with insulated cladding to all elevations, landscaping works throughout the site, erection cycle store for 50 cycles to the south of the building and provision of two disabled car parking spaces. Granted Subject to a Section 106 Legal Agreement 19/06/2014

87 Fellows Road

GPDO Prior Approval – Part 1 – Class AA
2020/5352/P: Prior approval for the erection of an additional storey (2.9m in height) on the existing

dwellinghouse. Grant Prior Approval 05/01/2021

105 Fellows Road

GPDO Prior Approval – Part 1 – Class AA

2020/5611/P: Erection of an additional storey 2.88m in height above existing roof level. Grant Prior Approval 26/01/2021

25 Primrose Hill Road

GPDO Prior Approval – Part 1 – Class AA

2020/5570/P: Erection of an additional storey 2.9m in height above existing roof level, with roof box 3.9m in height above existing roof level. Grant Prior Approval 03/02/2021

Relevant policies

National Planning Policy Framework 2021

General Permitted Development Order (2015)

The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020

Assessment

1. Proposal

- 1.1. This report provides an assessment of 4 individual GPDO prior approval applications for an additional storey (under Part 1, Class AA) in Tobin Close. The assessment of each of the applications is independent of the other assessments but raises similar issues and hence the assessment is set out in this combined report.
- 1.2. Each of the proposals seeks prior approval for an additional storey above the existing third floor flat roof which would be 2.8-2.9m in height above the existing roof level. The extension would have a 1m high roof box above it. This would match the location, dimensions and materials of the roof box on the existing property. The proposed roof box would be 3.8m in height above existing roof level.
- 1.3. The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 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).
- 1.4. 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 G, M, MA, 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. 11.4m)
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. 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? (in this case 2.43m)	No - (Floor to ceiling height 2.43m)
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 (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)

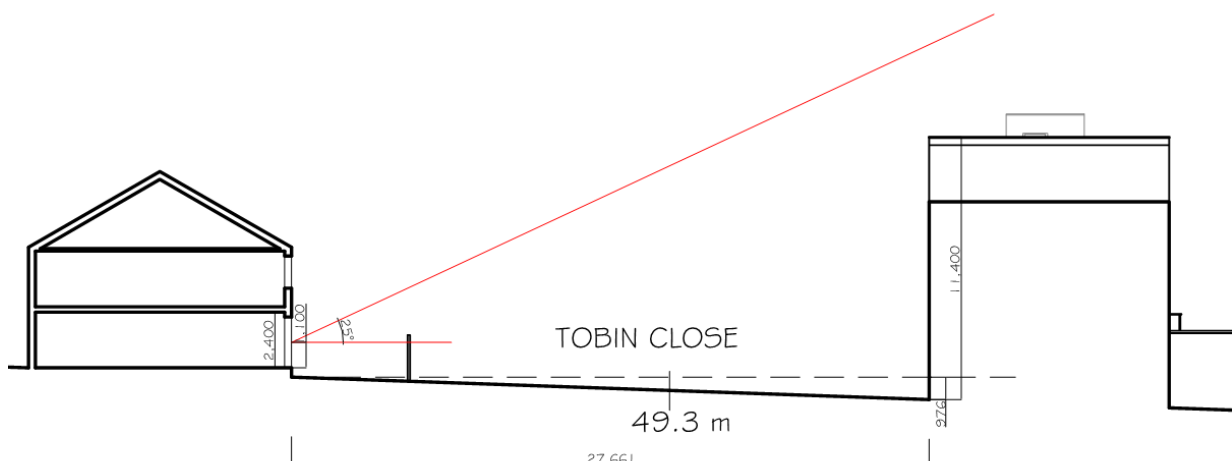
2.2. Impact on the amenity of any adjoining premises

2.3. The residents of 1-8 Tobin Close have objected to the application due to concerns with loss of daylight and sunlight as well as loss of privacy. The site is approximately 27.5m from the rear elevation of 1-8 Tobin Close and approximately 22.6m from the gardens of these properties. There is also a slope so that 1-8 Tobin Close site at a higher level than 9-14 Tobin Close.

2.4. *Daylight*

2.5. A letter prepared by CHP Surveyors has been submitted which assesses the impact on the additional floor on neighbouring properties daylight and sunlight. This also assesses the cumulative impact on neighbouring properties' daylight and sunlight as well as the impact on the gardens from overshadowing from the implementation of the six applications for additional storeys at 9-14 Tobin Close.

2.6. The applicant's daylight and sunlight submission demonstrates that the proposed development would be below the 25 degree line (as shown below). The BRE guidance states that if this angle is less than 25 degrees for the whole of the development then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building.



2.7. *Sunlight*

2.8. In terms of sunlight, the BRE states that if a window receives more than 25% of Annual Probable Sunlight Hours (APSH) including at least 5% of APSH in the winter months between 21 September and 21 March, then the room should still receive enough sunlight. Any reduction in sunlight access below this level should be kept to a minimum. If the available sunlight hours

are both less than the amount above and less than 0.8 times their former value, then the occupants of the building will notice the loss of sunlight.

- 2.9. BRE recognises that it is not always necessary to do a full calculation. The BRE recommendation will be met if the window faces within 90 degrees of due south and no obstruction, measured in the section perpendicular to the window wall, subtends an angle of more than 25 degrees to the horizontal. While the development is within 90 degrees of due south of main windows at 1-8 Tobin Close, the additional storey would be below the 25 degree line (as set out above).
- 2.10. *Overshadowing*
- 2.11. The BRE recommends that for it to appear adequately sunlit throughout the year, at least half of a rear garden should receive at least two hours of sunlight on 21st March. The applicant's daylight and sunlight submission uses the sun on ground protractor and demonstrates that due to the distance the mid-points of the neighbours amenity spaces are from the proposals, these will exceed 2 hours of direct sunlight on 21st March and therefore the BRE guidelines will be achieved. In addition, photographs have been provided taken at noon on 8th April 2021, which demonstrate that currently the shadow cast does not extend across half of the road and that therefore even with an additional floor, at noon the amenity spaces at 1-8 Tobin Close will have exceptional access to sunlight.
- 2.12. *Overlooking*
- 2.13. The site is approximately 27.5m from the rear elevation of 1-8 Tobin Close and approximately 22.6m from the gardens of these properties. Given these distances, harmful overlooking would not result from the proposed additional storey. Generally, a minimum distance of 18m between the windows of habitable rooms in existing properties directly facing the proposed development ensures privacy would be maintained.
- 2.14. The design and architectural features of the principal and side elevation
- 2.15. The proposal would match the existing building's material palette and detailing with brickwork and render to match existing. This would result in an extension that blends into the existing fabric and the surrounding context. The proposed windows would match the fenestration pattern of the existing windows and would line up with the windows on the lower floors. The proposal additional story would be sympathetic to the host property and is considered acceptable.
- 2.16. Air traffic and defence asset impacts
- 2.17. Given the location of the development, there would be no impact on air traffic or defence assets.
- 2.18. Impact on protected views
- 2.19. The site does not fall within any views identified by the London View Management Framework.

Recommendation:

1. Grant prior approval
2. Grant prior approval
3. Grant prior approval
4. 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 Monday 26th July 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'.