

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	06/09/2021
		N/A		<b>Consultation Expiry Date:</b>	30/08/2021
<b>Officer</b>			<b>Application Number(s)</b>		
Nathaniel Young			2021/3370/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
106 King Henry's Road 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:						
Consultations						
Adjoining Occupiers:	No. notified	03	No. of responses	11	No. of objections	06

**Summary of consultation responses:**

Site notice: 06/08/21-30/08/21.  
 Notification letters to adjoining occupiers: 05/08/21-26/08/21.

4 x Support comments - 108 King Henry's Road, two unknown addresses on Fellows Road and one unknown address.

1 x Neutral comment - 137 King Henry's Road – request that design of future additional storeys will match and maintain a uniform appearance.

6 x Objection comments - 123, 133, 145c King Henry's Road and two unknown addresses. The following concerns were raised:

- Inappropriate design/set unwanted precedent
- Detrimental impact to conservation area
- Loss of light and outlook
- Loss of privacy
- Lack of consultation
- Construction noise, inappropriate timing
- Construction vehicles/materials blocking highway

Officer response

Design:

- *This is an application for prior approval under Part 1, Class AA of the General Permitted Development (England) (Amendment) (No. 2) Order 2020 (GPDO). The criteria relevant to the assessment of the application are set out in the table in paragraph 2.1 below. Camden's Local Plan policies and guidance are not relevant to the assessment.)*
- *The principle of an additional storey has been established as acceptable through the new legislation outlined above. 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.*
- *The application site is not located within a conservation area.*
- *It is the Council's intention to ensure that all future additional storeys in this area would be a of a matching design style to maintain a uniform appearance.*

Amenity:

- *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 not result in an undue loss of light.*
- *No properties would sit directly rear of the proposed development. The nearest habitable windows would be located on the rear elevation of No. 5 Lower Merton Rise. Given No. 5 Lower Merton Rise would have a difference in orientation of 90 degrees compared to the subject site, the views towards these windows would be oblique and not afford direct views into the rooms the windows serve.*
- *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.

*Transport:*

- *This approval does not authorise the use of the public highway. If the public highway is obstructed as a result of construction works it should be reported to the Council's enforcement team. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works.*

*Consultation:*

- *Individual notification letters were sent to the immediate adjoining letters as required by the General Permitted Development Order 2015 (GPDO). In addition a site notice was displayed in front of the subject property as an added measure. The Council has carried out its notification obligations in accordance with the relevant legislation. Residents are encouraged to sign up to the Council's e-notification service in order to be automatically notified of any developments in their local area by email.*

## Site Description

The application site is located within the Chalcots Estate which dates from the 1960's. The site contains a two-storey, mid-terrace, residential property.

The subject property is not located within a conservation area and the host building is not listed.

## Relevant History

2020/5282/P: Installation of an air condition unit at roof level. Approved 20.09.2021.

2020/2024/P: Details of approved basement engineer required by condition 4 of planning permission 2017/6307/P granted on 11th June 2019 (for Erection of 2 storey plus basement 4 bed dwellinghouse following demolition of existing 2 storey dwelling house). Approved 12.05.2020.

2020/2001/P: Repositioning of skylights, alterations to glazing, alterations to material finish of rear facades to match neighbouring properties and minor reconfiguration to internal layouts, all as changes to planning permission 2017/6307/P dated 11th June 2019 (for erection of 2 storey plus basement 4 bed dwellinghouse following demolition of existing 2 storey dwellinghouse). Approved 16.06.2020.

2017/6307/P: Erection of 2 storey plus basement 4 bed dwellinghouse following demolition of existing 2 storey dwellinghouse. Approved subject to S106 agreement 11.06.2019.

## 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. The proposal seeks prior approval for an additional storey above the existing third floor flat roof above the existing flat roof level.
- 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 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

#### Impact on the amenity of adjoining premises

- 2.2. 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 nor result in an undue loss of light.
- 2.3. No properties would sit directly rear of the proposed development. The nearest habitable windows would be located on the rear elevation of No. 5 Lower Merton Rise. Given No. 5 Lower Merton Rise would have a difference in orientation of 90 degrees compared to the subject site,

the views towards these windows would be oblique and not afford direct views into the rooms the windows serve.

The design and architectural features of the principal and side elevation

- 2.4. 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 align 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. It follows a consistent approach being taken elsewhere on the estate and is considered appropriate for the typology of this 2-storey block.

Air traffic and defence asset impacts

- 2.5. Given the scale and siting of the development, there would be no impact on air traffic or defence assets.

Impact on protected views

- 2.6. The site does not fall within any views identified by the London View Management Framework.

**3. Recommendation**

- 3.0 Grant prior approval