

<b>Delegated Report</b> (GPDO Prior Approval)		<b>Application number</b>		2022/2790/P	
<b>Officer</b>		<b>Expiry date</b>			
Tony Young		25/07/2022 (as agreed in writing with applicant)			
<b>Application Address</b>		<b>Consultation expiry date</b>			
18 Fairfax Road London NW6 4HA		22/07/2022			
<b>Conservation Area</b>		<b>Article 4</b>			
No		Article 4 direction area (basements)			
<b>Proposal</b>					
Erection of single storey rear extension at ground floor level (measuring 6m deep, 3.618m high and 2.524m to eaves) to existing dwellinghouse (Class C3).					
<b>Recommendation</b>		<b>Grant Prior Approval</b>			
<b>Consultations</b>					
<b>Adjoining Occupiers:</b>	No. notified	<b>04</b>	No. of responses	<b>01</b>	No. of objections
					<b>01</b>
<b>Consultation responses:</b>	<p><b>A neighbour in Fairfax Road</b> objected as follows:</p> <ol style="list-style-type: none"> <li><i>'The proposed extension will block the light from my back window as it will extend far beyond the end of the existing conservatory at the back of 18 Fairfax Road and will be considerably higher than the existing garden party wall. It will block the open view I currently enjoy from my back window to the right over successive garden walls and be unsightly;</i></li> <li><i>I should prefer my new neighbours to confine their extension to the length of the existing conservatory so that it is level with the extensions at the rear of numbers 12, 14 and 16 Fairfax Road'.</i></li> </ol> <p><b>Officer response:</b></p> <ol style="list-style-type: none"> <li>Following receipt of the above objection to the proposal, an assessment has been made by the Council as required as to the impact of the proposed development on the amenity of any adjoining premises (see Sections 3 and 4 below);</li> <li>This application is for prior approval (rather than full planning permission), and as such, an assessment of its planning merits as to its acceptability under current policies is not relevant or possible, as it is purely a legal determination. Only matters which impact on the amenity of the adjoining occupiers can be taken into consideration in so far as the GPDO Regulations allow. It is within this context that the application has been assessed (please see Section 3 and 4 below).</li> </ol>				

<b>1. Proposal</b>
<b>1.1</b> The application has been made under Schedule 2, Part 1, Class A of The Town and Country

Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended) for the proposed enlargement, improvement or other alteration of a dwellinghouse.

**1.2** The applicant has submitted the details required under the amended GPDO paragraph A.4 (2) giving the height, depth and all other details required. The proposed single storey rear extension would measure 6m deep, 3.618m high and 2.524m high to eaves of the existing dwellinghouse (Class C3).

## 2. Extension of time

**2.1** The applicant has agreed in writing to an extension of the statutory time period for determining the application until 25/07/2022.

## 3. Assessment

**3.1** Compliance with the limitations and conditions set out under Schedule 2 (Permitted Development Rights), Part 1 (Development within the curtilage of a dwellinghouse):

Class A - The enlargement, improvement or other alteration of a dwellinghouse

A.1 If YES to any of the questions below the proposal is not permitted development		Yes/No
A.1 (a)	Has permission to use the dwellinghouse as a dwellinghouse been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)?	No
A.1 (b)	As a result of the works, will the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) exceeds 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)?	No
A.1 (c)	Will the height of the part of the dwellinghouse enlarged, improved or altered exceed the height of the highest part of the roof of the existing dwellinghouse?	No
A.1 (d)	Will the height of the eaves of the part of the dwellinghouse enlarged, improved or altered exceed the height of the eaves of the existing dwellinghouse?	No
A.1 (e)	Will the enlarged part of the dwellinghouse extend beyond a wall which (i) forms the principal elevation of the original dwellinghouse, or (ii) fronts a highway and forms a side elevation of the original dwellinghouse?	No
A.1 (f)	Subject to A.1 (g), will the enlarged part of the dwellinghouse have a single storey and (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height?	n/a
A.1 (g)	For a dwellinghouse not on article 2(3) land* nor on a site of special scientific interest, will the enlarged part of the dwellinghouse have a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height?	No (6m in depth)  No (approx 3.61m at highest point)

A.1 (h)	Will the enlarged part of the dwellinghouse have more than a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse?	n/a
A.1 (i)	Will the enlarged part of the dwellinghouse be within 2 metres of the boundary of the curtilage of the dwellinghouse and the height of the eaves of the enlarged part exceed 3 metres?	No (height of eaves 2.524m)
A.1 (j)	Will the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse, and either (i) exceed 4 metres in height, (ii) have more than a single storey, or (ii) have a width greater than half the width of the original dwellinghouse?	n/a
A.1 (ja)	Would any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)?	No
A.1(k)	Would it consist of or include either: (i) the construction or provision of a verandah, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse?	No
A.1(l)	Is the dwellinghouse built under Part 20 of this Schedule (construction of new dwellinghouses)?	No
* The land referred to above as article 2(3) land is the land described in Part 1 of Schedule 1 to Town and Country Planning (General Permitted Development) (England) Order 2015/596 (National Parks, areas of outstanding natural beauty and conservation areas etc).		
A.2 Is the property in a conservation area? If YES to any of the questions below then the proposal is not permitted development.		
A.2(a-d)	The property is not located in a conservation area	n/a
A.3 If NO to any of the conditions below then the proposal is not permitted development		
A.3(a)	Would the materials used in any exterior work (other than materials used in the construction of a conservatory) be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse?	Yes
A.3(b)	Would any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse be— (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed?	n/a
A.3(c)	Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof	n/a

**3.2** This concludes that the proposed extension would comply with the limitations and conditions (A.1 to A.3) as set out above under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

#### **4. Assessment under Condition A.4**

**4.1** Moving on to consideration of the proposal under Condition A.4, paragraph A.4 (1) states that paragraphs (2) to (16) apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

**4.2** In this case, the proposed extension would extend beyond the rear wall of the original dwellinghouse by 6m and is therefore subject to criteria A.1(g) which allows for 3-6m deep extensions. Under these circumstances, the prior approval of the Council is required under paragraphs A.4 (7) and (9) as to the impact of the proposed development on the amenity of any adjoining premises where any owner or occupier of any adjoining premises objects to the proposed development.

**4.3** Following statutory consultation, one representation has been received from an adjoining occupier objecting to the proposals. As such, under the provisions of paragraphs A.4 (7) and (9) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), the prior approval of the Council is required based solely on an assessment of the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.

##### Impact on amenity

**4.4** Policy A1 (Managing the impact of development) of the Camden Local Plan 2017 and Camden Planning Guidance (Amenity) 2021 seek to ensure that the existing residential amenities of neighbouring properties are protected, particularly with regard to visual privacy, outlook, sense of enclosure, daylight and sunlight, overshadowing, noise and vibration levels.

**4.5** Based on the information available to the Council, and in accordance with BRE guidelines and screening tests, the nearest rear doors (no. 16) and window (no. 20) at ground floor level would both pass the 45 degree line test in elevation, but fail in plan.

**4.6** However, the presence of an existing high boundary wall between both adjoining properties, as well as the general south-east orientation of the rear terrace, means that any harmful impacts in terms of light and sense of enclosure would be relatively minor. Additionally, the shallow angle of the proposed pitched roof which slopes downwards towards both adjoining properties would further minimise the impact of the proposal, and ensure that the extension would not be overbearing, reduce levels of light significantly, nor result in any significant increase in sense of enclosure to adjoining properties.

**4.7** Furthermore, given that the application proposes to replace an existing 3 metres deep conservatory, the effective increase in depth from the proposal would be an additional 3 metres. Notwithstanding that the impact in amenity terms is likely to be greater for the adjoining property at no. 20, this effective increase in depth would only marginally worsen the current situation as it is noted that the general pattern of development and existing relationships between properties already results in some sense of enclosure and light restriction, particularly by virtue of the existing conservatory and extensions on either side, as well as from a boundary wall.

**4.8** Therefore, while it is recognised that there would be some reduction in outlook, level of light

and increased sense of enclosure to varying degrees for the immediate neighbouring properties (nos. 16 and 20), the impact as a result of the proposal is not considered to be significant and would not justify refusal of the application.

**4.9** Finally, there would be no adverse overlooking impact as a result of the development given the absence of any windows on the flank walls. There would be a small loss in garden space; however, these properties benefit from deep gardens and a sufficiently large garden space would remain with a minimal impact on visual amenity. There would be no likely additional noise or disturbance created given the single storey nature of the extension and unlikely increase in activity or footfall as a result of the proposal.

## **5. Conclusion**

**5.1** The Council has taken into account the response received from a neighbour as a result of the consultation process as required by Condition A.4 of the above Procedure.

**5.2** With this response in mind, the Council has assessed the application and considers the proposed single storey rear extension to have an acceptable impact on neighbouring amenity. The proposal also complies with the limitations and conditions as set out above under Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, the proposal is permitted.

**5.3 Recommendation:** Grant Prior Approval