

24 Lower Merton Rise, London, NW3 3SP



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02. Site photos



1. Front elevation of 24 Lower Merton Rise in centre (application site), no. 26 to the left and no. 22 to the right



2. Ariel View of 24 Lower Merton Rise within terrace nos. 16-28 (even)



3. Rear elevation of 24 Lower Merton Rise (application site) and rear of terrace nos 18-28 (even)



4. Ariel View of rear gardens to properties nos 16-28 (including no. 24 application site), and nos 33-39 Elliott Square



5. Ariel view of 24 Lower Merton Rise (application site) within terrace from within Elliot Square block



6. Ariel view of 24 Lower Merton Rise from opposite side of Lower Merton Rise road

Delegated Report	Analysis sheet		Expiry Date:		22/06/2022	
	N/A		Consultation Expiry Date:		01/08/2022	
Officer			Application Number(s)			
Amy Ly			2022/2021/P			
Application Address			Drawing Numbers			
24 Lower Merton Rise London NW3 3SP			Refer to Draft Decision Notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature			
Proposal(s)						
Prior approval for the Erection of an additional storey 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	03	No. of responses	04	No. of objections	03
Summary of consultation responses:	<p>A site notice was displayed from 17/06/22 to 09/07/2022.</p> <p>Site notice was republished and displayed from 07/07/2022 to 01/08/2022</p> <p>Notification letters to adjoining occupiers: 13/06/2022 – 04/07/2022</p> <p>Republished neighbours letters to adjoining occupiers: 06/07/2022 - 27/07/2022.</p> <p>1 letter of support was received by the occupiers at 22 Lower Merton Rise.</p> <p>3 objections were received. Occupiers of 37, 17 and 18 Elliott Square raised the following concerns:</p> <ol style="list-style-type: none"> Inappropriate design <ul style="list-style-type: none"> The architectural design should match the design approved for roof extensions on properties within Elliott Square (backing onto King Henry's Road) in order to create a consistent appearance 					

- Principle of an additional storey erected within an unaltered terrace. It should follow other similar permissions. Within the Chalcot Estate permissions have been granted for roof extensions for an entire terrace
 - Drawings/Location plan are incorrect – question of notice being served to owner
 - No materials details
2. Loss of light and outlook
 - Fails 25 degree test
 - Daylight/Sunlight report is incorrect and does not assess all habitable rooms
 3. Loss of privacy
 - Overlooking impact on neighbours to the rear on Elliott Square
 - Overlooking and privacy impact on neighbouring properties with existing rooflights and upper floor bedroom rear windows.
 4. Lack of proper consultation
 5. No bat survey

Officer response

1. Inappropriate design
 - Please refer to section 2: Assessment
 - The principle of an additional storey has been established as acceptable through the new legislation. Assessment of the external appearance is limited to scale and materiality. The additional storey would be of an appropriate scale, matching the existing storeys and the materials would be made to match. As such, the proposal is considered to comply with the relevant criteria.
2. Loss of light and outlook
 - Please refer to section 2: Assessment
 - A daylight/sunlight report has been submitted and this demonstrates that the proposal would cause no undue loss of light at any surrounding dwellings (see Assessment: section 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. Similar permission have been granted within the same terrace.
3. Loss of privacy
 - Please refer to section 2: Assessment
 - The distance between the newly created windows and the habitable windows of the properties to the rear would be approximately 18m which is considered an acceptable distance as to not result in an undue loss of privacy. The windows created would not afford new views beyond what has been established by existing upper floor fenestration.
4. Lack of proper consultation
 - A site notice was displayed from 17/06/22 to 09/07/2022 and Notification letters to adjoining occupiers sent 13/06/2022 to

04/07/2022. Drawings related documents were published on the Councils website under ref: 2022/2021/P on 04/07/2022. Site notice was republished and displayed from 07/07/2022 to 01/08/2022 and republished neighbours letters to adjoining occupiers sent on 06/07/2022 to 27/07/2022.

5. No bat survey

- The site has no nature conservation constraints and as such a bat survey is not considered necessary.

**CAAC/Local groups
comments:**

N/A

Site Description

The site contains a three-storey, mid-terrace, white painted brick house with a flat roof on the east side of Lower Merton Rise.

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. The application is not within a Conservation Area and the host building is not listed.

Relevant History

26 Lower Merton Rise

2020/5880/P: Prior approval for Erection of an additional storey (approx. 2.8m in height) on dwellinghouse – Prior approval granted 04.05.21

28 Lower Merton Rise

2020/6008/P: Prior approval for Erection of an additional storey (approx. 2.9m in height) on dwellinghouse – Prior approval granted 06.05.21

22 Lower Merton Rise

2020/6009/P: Prior approval for Erection of an additional storey (approx. 2.9m in height) on dwellinghouse – Prior approval granted 04.05.21

10 Lower Merton Rise

2021/0749/P: Prior approval for the erection of an additional storey (2.9m in height) on the existing dwellinghouse. Prior approval granted 31.03.21.

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

Camden Planning Guidance
CPG Amenity (2021)

Assessment

1. Proposal

- 1.1. The proposal seeks prior approval for an additional storey above the existing third floor flat roof which would be 2.9m in height above the existing flat roof level. The existing building has a height of 8.5m to the top of the parapet wall (highest part of the roof). The proposed additional storey would increase the height of the building to 11.4m. This would result in an overall increase in height of 2.9m 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 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 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
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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. 2.9m)
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. 2.9m)
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 2.4m)	No - (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 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)

Impact on the amenity of any adjoining premises

- 2.2. A daylight/sunlight report has been submitted which demonstrates that the proposal would cause no undue loss of light to any significant habitable rooms at any neighbouring dwellings. The report covers 1 Elliott Square, 2 Elliott Square, 3 Elliott Square, 4 Elliott Square, 5 Elliott Square, 6 Elliott Square, 7 Elliott Square, 39 Elliott Square, 38 Elliott Square, 37 Elliott Square, 36 Elliott Square, 35 Elliott Square, 34 Elliott Square, 33 Elliott Square, 11 Lower Merton, 13 Lower Merton, 15 Lower Merton. All windows tested would satisfy BRE guidelines. The proposed scheme would have a negligible impact on daylight and sunlight to the neighbouring residential properties with full adherence with the methodology recommended in the BRE guidelines. (Note: Although the mapping model in the Sunlight & Daylight Assessment appears to show that the ground floor windows of neighbouring dwellings have not been tested for sunlight it has been deduced, from Council records, that the ground floor rooms of the properties to the rear on Elliott Square including no. 37 Elliott Square serve kitchen/dining areas which are not considered to be habitable rooms. Living areas and bedrooms appear to mainly occupy the upper floors which would be considered habitable rooms and would be potentially most impacted). It can also be seen that the application proposal would be situated to the west of the Elliott Square dwellings and it would not therefore block the path of the sun relative to these dwellings for a large part of the day.
- 2.3. The additional storey would have windows at the front and rear which would match the windows on the lower floors and align with the existing fenestration. It would not unduly obstruct the outlook of neighbouring habitable windows. It is of a sufficient distance (approx. 18m) from the rear of the Elliott Square dwellings and of a scale so as not to be overbearing in nature (in accordance with Camden Planning Guidance Amenity 2021). No new views into neighbouring habitable windows would be afforded beyond those which have been established by existing fenestration and thus the development would not result in a loss of privacy to the rear neighbours on Elliott Square. There are no windows proposed on either side elevation, and therefore there would no potential for overlooking into the adjoining neighbours rooflights.
- 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 would be added to the decision.

The design and architectural features of the principal and side elevation

- 2.4. The proposal seeks to extend the main part of the building by one storey to create two additional bedrooms and two bathrooms at third floor level. The proposal would build up the principal front and rear elevations of the building and not extend beyond the principal rear building line. The proposed floor to ceiling height would match the internal height of that of the existing second floor below. Three rooflights would be inserted into the proposed flat roof in place of the existing three rooflights, and the roof would remain as flat. Matching roof extensions have been granted within the same terrace including the directly adjoining neighbours at No. 22 and no. 26, thus resulting in a uniform and consistent appearance across the terrace, which is appropriate.
- 2.5. The proposal would match the existing building's material palette and detailing with brick slips to match the existing brickwork, as per the submitted application form. 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 line up 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.

Air traffic and defence asset impacts

- 2.6. Given the location of the development, there would be no impact on air traffic or defence assets.

Impact on protected views

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

Conclusion

- 2.8. The Council has taken into account the responses from the consultation process and the guidance in the NPPF 2019, as required by para AA.3 regarding procedure. The additional storey is permitted under Class AA of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by No.2 Order 2020).

3. **Recommendation:** Grant prior approval

Application ref: 2022/2021/P
Contact: Amy Ly
Tel: 020 7974 8141
Email: Amy.Ly@camden.gov.uk
Date: 3 August 2022

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

Mrs Kasia Whitfield
90 Fellows Road
London
NW3 3JG

DRAFT

DECISION

Dear Sir/Madam

Town and Country Planning Act 1990
Class AA of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended by SI 2020 No. 755)

The Council, as local planning authority, hereby confirm that their **prior approval is granted** for the proposed development at the address shown below, as described by the description shown below, and in accordance with the information that the developer provided to the local planning authority:

Address of the proposed development:

**24 Lower Merton Rise
London
NW3 3SP**

Description of the proposed development:

Erection of an additional storey on existing dwellinghouse.

Details approved by the local planning authority:

Drawing Nos: LMR24 EX0; LMR24 PD1; LMR24 EX2; LMR24 EX1; LMR24 EX5; LMR24 PD2; LMR24 EX4; LMR24 EX6; LMR24 PD3; LMR24 PD4; LMR24 PD5; LMR24 PD6; LMR24 PD7; LMR24 PD8; Daylight and Sunlight report (dated May 2022).

1 Reasons for granting prior approval:

The additional storey is permitted under Class AA of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by No.2 Order 2020).

Informative(s):

- 1 This written notice indicates that the proposed development would comply with condition AA.3 of Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended by SI 2020 No. 755).
- 2 It is a requirement of the above condition AA.3 that the developer shall notify the local planning authority of the completion of the development as soon as reasonably practicable after completion. Such notifications shall be in writing and include (a) the name of the developer, (b) the address of the dwellinghouse, and (c) the date of completion.
- 3 It is a requirement of the above condition AA.3 that before beginning the development, the developer shall 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.
- 4 In accordance with condition AA.2:
 - (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
 - (b) the development shall not include a window in any wall or roof slope forming a side elevation of the dwelling house;
 - (c) the roof pitch of the principal part of the dwellinghouse following the development shall be the same as the roof pitch of the existing dwellinghouse; and
 - (d) following the development, the dwellinghouse shall 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.
- 5 In accordance with condition AA.2:
 - (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
 - (b) the development shall not include a window in any wall or roof slope forming a side elevation of the dwelling house;
 - (c) the roof pitch of the principal part of the dwellinghouse following the development shall be the same as the roof pitch of the existing dwellinghouse; and
 - (d) following the development, the dwellinghouse shall 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.
- 6 This approval does not authorise the use of the public highway. 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. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

- 7 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site 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. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 8 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice in regard to your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Chief Planning Officer

It's easy to make, pay for, track and comment on planning applications on line. Just go to www.camden.gov.uk/planning.

It is important to us to find out what our customers think about the service we provide. To help us in this respect, we would be very grateful if you could take a few moments to complete our online survey at the following website address: www.camden.gov.uk/dmfeedback. We will use the information you give us to help improve our services.