

Ref: NS/95Ave01

Date: 08 August 2022

**Regeneration and Planning Development Management Team**

London Borough of Camden 2nd Floor, 5 Pancras Square  
C/O Town Hall  
Judd Street  
London  
WC1H 9JE

**Via the Planning Portal**

Dear Sir/Madam

**Schedule 2 Part 20 Class A Town & Country Planning (General Permitted Development) Order 2015 (as amended)**

**Notification of a Proposed two storey Roof Extension at 95 Avenue Road, London NW8 6HY**

On behalf of our client, 95 Avenue Road (Freehold) Limited we are pleased to enclose a notification for Prior Approval of a two storey roof extension to provide two additional residential (c3) units.

The proposed development is permitted by the amended Class A Part 20 (Construction of New Dwellinghouses) of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 1995 (GPDO) (as amended August 2020).

A 'prior approval' application differs from a planning application in terms of the decision-making process. The scheme is not judged by assessing the proposal against planning policy. A prior approval application is a technical assessment against the various specified criteria. If it meets all of these criteria, then prior approval should be granted to confirm the permitted development rights.

As set out in this letter the development meets the relevant conditions for permitted development under Class A of the GPDO and does not give rise to any significant detrimental impacts in relation to the narrow range of assessment criteria in the regulations. The purpose of this letter is to explain this in more detail, and highlight the other supporting information included to confirm this.

Accordingly, we are pleased to enclose the following:

- Plans, elevations and sections – HUB Architects
- Design and Access Statement (including information on 'amenity') – HUB Architects

- BRE assessment – sunlight & daylight
- Fire statement
- Structural report
- Flood risk assessment
- Land contamination report
- Transport statement

## **The Site**

The site is a single free-standing 'point block' purpose-built block of flats situated between Avenue Road to the east and St John's Wood Park to the west, with access/egress points from both. The block stands at eight storeys in height and is cross-shaped in plan. The top storey is recessed. The site is bounded to the south and west by other tall residential apartment blocks, with Boydell Court to the west standing at ten storeys high and other similarly tall blocks in the vicinity.

The site is not within or directly adjacent a conservation area, with the closest being Elsworthy CA, approximately 120m to the east. The nearest listed buildings are Swiss Cottage Library, grade II which is approximately 80m to the north, and Regency Lodge, a Grade II apartment building approximately 80m to the north-west.

The site is close to South Hampstead train station, Swiss Cottage underground station and numerous bus routes; consequently, the site benefits from a PTAL Level of 6a, the second highest possible.

The site is located within Flood Zone 1, indicating the lowest possible risk of flooding.

There is no planning history on the council's website but the block appears to be post-war, dating from approximately 1960. The building has a concrete frame and is largely brick clad. The building does not feature any composite cladding. As noted above a structural report and fire report have been included with the submission.

## **The Proposals**

### *Additional residential units*

The proposal is to provide two additional levels of residential accommodation on top of the existing roof, removing and relocating the existing plant at this level. The extension would deliver 2 additional residential dwellings to the existing building. The dwellings will be provided with private amenity space in the form of balconies, and exceed the relevant space standards. By virtue of their location and layout, they would enjoy excellent levels of daylight and sunlight.

Existing lift and stair cores will be extended to reach the new floor.

### *Parking & Cycle-parking*

Four cycle parking spaces are proposed, as set out in the design and access statement. No additional car parking spaces are proposed given the site's highly accessible location.

### *Refuse & recycling facilities*

Refuse and recycling facilities are currently provided at ground floor within an existing enclosure. These arrangements will be utilised for the additional dwellings.

## **Assessment against GPDO requirements**

This prior approval application for the proposed development is submitted in relation to Class A Part 20 (Construction of New Dwellinghouses) of the GPDO (as amended). Under these regulations, it is confirmed that the site meets the following criteria as set out under **paragraph A.1**:

Criterion	Compliant?
a) the permission to use any building as a dwellinghouse has not been granted only by virtue of Class M, MA, N, O, P, PA or Q of Part 3 of this Schedule.	<b>Yes</b> – purpose-built as dwellings prior to these use-classes coming into existence.
b) above ground level, the building is greater than 3-storeys in height.	<b>Yes</b> – the block is 8-storeys in height.
c) the building was constructed between 1st July 1948 and 5th March 2018.	<b>Yes</b> – the block was likely constructed c1960's.
d) the additional storeys are not constructed other than on the principal part of the building;	<b>Yes</b> – the additional storey will be on the principal part of the building
e) the floor to ceiling height of any additional storey is — i. not more than 3 metres in height; or ii. not more than the floor to ceiling height of any of the existing storeys	<b>Yes</b> – see submitted proposed 'section' drawings)
f) the new dwellinghouses are flats	<b>Yes</b> – see plans
g) the overall height of the roof of the extended building is not greater than 7 metres higher than the highest part of the existing roof	<b>Yes</b> – see section drawings [this isn't shown on the section as a dim, should it be?]
h) the extended building (not including plant) is not greater than 30 metres in height	<b>Yes</b> – see section drawings
i) development under Class A.(a) would not include the provision of visible support structures on or attached to the exterior of the building upon completion of the development	<b>Yes</b> – no external support structures proposed; see drawings
j) development under Class A.(a) would not consist of engineering operations other than works within the existing curtilage of the building to—  i. strengthen existing walls; ii. strengthen existing foundations; iii. install or replace water, drainage, electricity, gas or other services; or	<b>Yes</b> – no works beyond those permitted are proposed
k) in the case of Class A.(b) development there is no existing plant on the building	<b>N/A</b>
l) in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;	<b>No</b> - the new plant is no higher than the existing plant on the building

<p>m) development under Class A.(c) would extend beyond the curtilage of the existing building</p>	<p><b>No</b> – the development is within the curtilage</p>
<p>n) development under Class A.(d) would—</p> <p>(i)extend beyond the curtilage of the existing building;</p> <p>(ii)be situated on land forward of a wall forming the principal elevation of the existing building; or</p> <p>(iii)be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;</p>	<p><b>No</b> - the proposals do not do any of these things</p>
<p>o) The land or site on which the building is on is not located on and does not form part of—</p> <p>i. Article 2(3) land;</p> <p>ii. A site of special scientific interest;</p> <p>iii. A listed building or land within its curtilage;</p> <p>iv. A scheduled monument or land within its curtilage;</p> <p>v. A safety hazard area;</p> <p>vi. A military explosives storage area; or</p> <p>vii. Land within 3 kilometres of the perimeter of an aerodrome.</p>	<p><b>Yes</b> – the land does not fall within any of these designations</p>

**Paragraph A.2** outlines the various aspects of the development which the local planning authority may consider, as follows:

*A.2 1) Where any development under Class A is proposed, development is permitted subject to the condition that before beginning the development, developer must apply to the local planning authority for prior approval of the authority as to—*

- a) transport and highways impacts of the development;*
- b) air traffic and defence asset impacts of the development;*
- c) contamination risks in relation to the building;*
- d) flooding risks in relation to the building;*
- e) the external appearance of the building;*
- f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;*
- g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; and*
- h) impact on a protected view.*

### **Assessment against Relevant Criteria**

The table below sets out each of the criteria set out under paragraph A.2 of the GPDO and how the proposed development has addressed them, supported the relevant technical evidence.

Consideration	Comment
<p>A. Transport and highways impacts of the development</p>	<ul style="list-style-type: none"> <li>• The site is highly sustainable in transport and highways terms, as evidenced by its high PTAL.</li> <li>• No additional parking spaces are proposed.</li> <li>• Four additional cycle spaces are proposed to be accommodated alongside the Details of this provision are included in the Design and Access Statement.</li> </ul> <p>These matters are explored further in the submitted Transport Statement.</p> <p>The site's characteristics and the limited nature of the works proposed necessarily mean that any impact in highways terms will be extremely limited.</p>
<p>B. Air traffic and defence asset impacts of the development</p>	<p>The site is not located within an Air Traffic and Defence Asset Zone. Consequently, there will be no air traffic and defence asset impacts associated with the rooftop extension.</p>
<p>C. Contamination risks in relation to the building</p>	<p>The site currently comprises a residential block and the proposal would not involve any excavation works that could give rise to any contamination risks. It is therefore considered unlikely that there would be any contamination risk associated with the proposed additional accommodation. The submitted 'contamination' report confirms that there is no evidence of historical contamination.</p>
<p>D. Flooding risks in relation to the building</p>	<p>The site is located within Flood Zone 1 – land with the lowest probability of flooding – and it is not considered that the proposal would give rise to any flooding impacts. See flood risk report for more detail.</p>
<p>E. The external appearance of the building</p>	<p>The new elements have been carefully designed to respond to the existing building and its context. Further detail is set out in the Design &amp; Access Statement.</p>
<p>F. the provision of adequate natural light in all habitable rooms of the new dwellinghouses;</p>	<p>The new accommodation will enjoy excellent amenity, with high levels of daylight and sunlight, and good outlook.</p>
<p>G. impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light</p>	<p>By virtue of the existing building's separation from surrounding development, neighbours' amenity will not be significantly affected.</p> <p>More detail on this topic can be found in the submitted design and access statement, and in the BRE sunlight and daylight assessment</p>

H. impact on a protected view.	The site is not within any identified protected view. There will be no such impact.
I. Fire safety and the construction of the existing building; and	<p>In accordance with the requirements of the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 We enclose a Fire Statement, setting out relevant information in this regard.</p> <p>The existing building is over 18m in height. We therefore enclose a structural engineer's report confirming that the external wall construction of the existing building complies with paragraph B4(1) of the Building Regulations 2010 (as amended).</p>
J. where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building	We enclose a fire safety report to address the fire safety impacts on the intended occupants of the building.

## Conclusions

For the reasons set out above and the supporting documentation, we consider that the scheme meets all of the qualifying conditions set out in Class A of the GPDO to be considered permitted development. Furthermore, the scheme does not give rise to any significant issues related to transport, air traffic, contamination, flood risk, external appearance, natural light, amenity or impact on a protected view

We therefore conclude that prior approval should be granted.

We trust that the documentation submitted is sufficient for you to make this determination, however should you require any further information or should you have any queries or wish to visit the site, please do not hesitate to contact me.

Yours sincerely,

Nick Sharpe

**Director**

# Callidus

**Callidus Planning Ltd**

t: 07970 833721

e: [nick.sharpe@callidus.london](mailto:nick.sharpe@callidus.london)