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8 August 2022

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED),

Prior Approval for a Single Floor Extension: Barrie House, 29
St.Edmunds Terrace, London, NW8 7QH

This letter is written on behalf of the Applicant, Kaleminster Ltd, in support of an application for prior approval under Class A of the General Permitted Development Order (2015) (as amended) at Barrie House, 29 St. Edmunds Terrace. Specifically, the proposed development is for the single storey extension to the block of flats by 3.5 metres with a matching roof profile and materials to accommodate an additional apartment.

Part 20 Class A Permitted Development Rights were introduced by Statutory Instrument 2020 no.755 and became effective from 31 August 2020. The right allows for new dwelling-houses on detached blocks of flats by the construction of up to 'two additional storeys of new dwelling-houses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats.

This is dependent on satisfying all of the exceptions and subject to a prior approval application for confirmation from the Local Authority on the acceptability of: the impact on neighbouring amenity from overlooking, privacy and loss of light, the external appearance including the design and architectural features of the principal elevation, air traffic impacts and any impact on protected views.

This letter sets out the proposed additional floors compliance with the exceptions and sets out why the development is considered to comply with the conditions and therefore why prior approval should be granted.

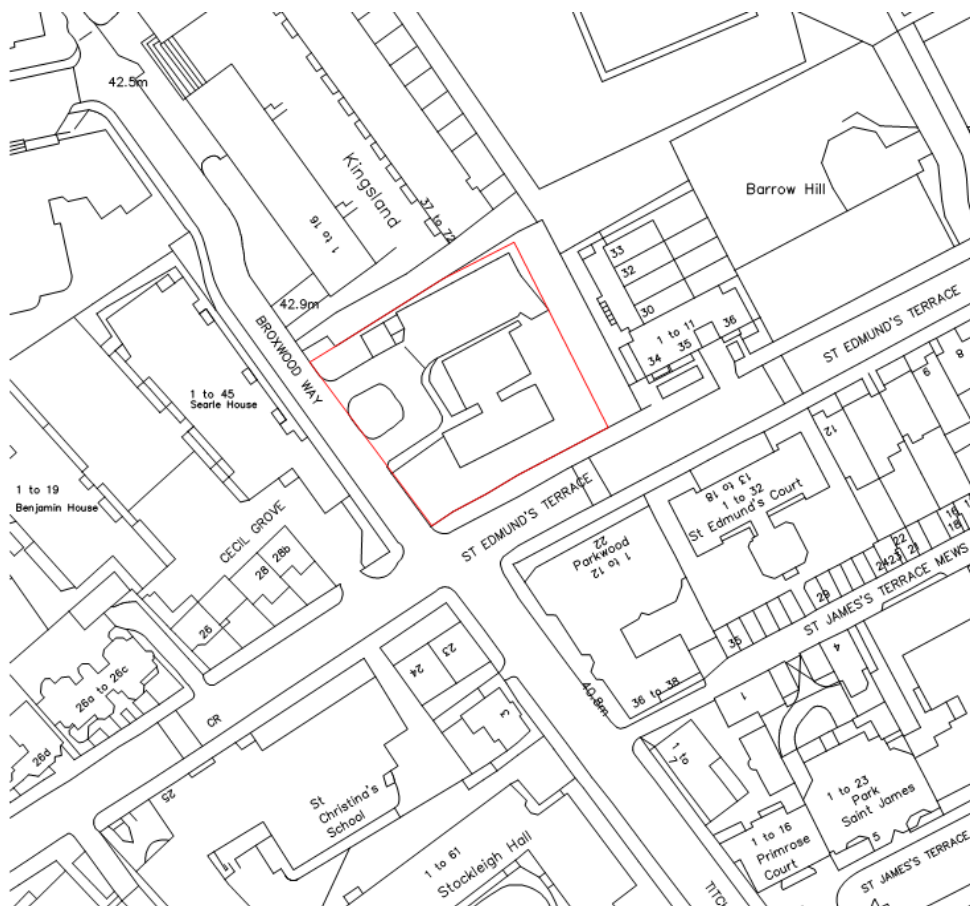
This letter should be read in conjunction with the following documents:

- Existing and proposed plans drawn to scale produced by RS Architecture

- Existing and proposed elevations drawn to scale and showing the position and dimensions of windows produced by RS Architecture
- Sunlight and daylight assessment produced by Hollis, October 2021.
- Fire Safety Strategy, Tennyson Suite, May 2022.

Site context and application background

The site comprises an eight store post war urban block that is a T shape comprising 24 self-contained privately owned residential flats. There are communal grassed areas to the south and east. There are a number of individual trees that are covered by a blanket TPO. There is an area of hardstanding to the north which provides car parking for 14 cars. The building is not listed and the site does not fall within a designated conservation area.



The proposed development will create a 3-bedroom contained flat on the top floor of the residential block that complements the design of the existing block and provides a new dwelling to meet an identified local housing need.

Exception compliance

The development complies with the exceptions of Part 20 Class A as set out in Para A.1 as follows:

A.1. Development is not permitted by Class A if—

(a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule;

This does not apply to the existing block of flats.

(b) above ground level, the building is less than 3 storeys in height;

The existing building is 8 storeys.

(c) the building was constructed before 1st July 1948, or after 5th March 2018;

The block was built in the 1960's.

(d) the additional storeys are constructed other than on the principal part of the building;

The additional floor follows the footprint of the block

(e) the floor to ceiling height of any additional storey is—

(i) more than 3 metres in height; or

(ii) more than the floor to ceiling height of any of the existing storeys, whichever is the lesser, where such heights are measured internally;

The new apartment floor to ceiling height is 2.66m the same as the existing floor to ceiling heights on the 8th floor below.

(f) the new dwelling-houses are not flats;

The proposed extension is for one new flat.

(g) the overall height of the roof of the extended building would be greater than 7 metres higher than the highest part of the existing roof (not including existing plant);

The proposed extension is 2.7 metres above the existing parapet.

(h) the extended building (not including plant) would be greater than 30 metres in height;

The new building height is 26.8 metres.

(i) development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

No external support structures are required.

(j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to—

- (i) strengthen existing walls;
- (ii) strengthen existing foundations; or
- (iii) install or replace water, drainage, electricity, gas or other services;

No engineering operations of this nature will be required.

(k) in the case of Class A.(b) development there is no existing plant on the building;

There is existing plant on the building, this will be reprovided on the new flat roof.

(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 new 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;

The new plant will not exceed the height of the existing roof plant.

(m) development under Class A.(c) would extend beyond the curtilage of the existing building;

The roof extension is in line with the existing building.

(n) development under Class A.(d) would—

- (i) extend beyond the curtilage of the existing building;
- (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or
- (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;

None of the above apply.

(o) the land or site on which the building is located, is or forms part of—

- (i) article 2(3) land;
- (ii) a site of special scientific interest;
- (iii) a listed building or land within its curtilage;
- (iv) a scheduled monument or land within its curtilage;
- (v) a safety hazard area;
- (vi) a military explosives storage area; or
- (vii) land within 3 kilometres of the perimeter of an aerodrome.

None of the above apply.

Compliance with conditions

The development has been designed to comply with the Conditions of Class A as stated in Para A.2 as follows.

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

(a) transport and highways impacts of the development; *The development will not impact on the access, no highways safety issues will arise.*

(b) air traffic and defence asset impacts of the development; *No impacts will arise.*

(c) contamination risks in relation to the building; *No contamination risks have been identified.*

(d) flooding risks in relation to the building; *No flood risks have been identified, the site is within Flood Zone 1.*

(e) the external appearance of the building; *The materials to be used in the construction of the additional storey are of a similar appearance to those used in the construction of the exterior of the existing block of flats. A Brise Soleil parapet has been used to reflect the rendered horizontal bands of the elevation.*

(f) the provision of adequate natural light in all habitable rooms of the new dwelling-houses; *The new apartment has adequate light and ventilation.*

(g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; *The proposed additional floor will form the 9th floor of the detached block of flats, the application building is adjoined by blocks of flats on St Edmunds Terrace and Broxwood Way but has adequate separation distances to ensure that the degree of additional overlooking would be negligible and no loss of privacy would arise. The Sunlight and Daylight Assessment has concluded that no unacceptable loss will arise to the windows of the adjoining properties.*

Only one window situated on the 7th floor of Barrie House (see window reference W4 on drawing DD_23 in Appendix C) is below the BRE daylight target, the other 354 windows tested meet the BRE target for daylight VSC. The window which does not meet the BRE target does retain access to a high level of daylight, with a VSC of 25.72% set against the target of 27%. Therefore, the room will remain well lit. the window serves a small kitchen, which is not considered to be a main habitable room. Therefore, due to the high level of retained light and the room's use, this negligible effect is not a material consideration.

(h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas

dated 15 March 2012 (3) issued by the Secretary of State, and the provisions of paragraph B (prior approval) of this Part apply in relation to that application. *The proposed development will not impact on any identified protected views.*

(2) Any development under Class A is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted. *Noted.*

(3) Any development under Class A is permitted subject to the condition that before beginning the development, the developer must 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 occupiers of the building and adjoining owners or occupiers will be mitigated. *Noted.*

(4) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion. *Noted*

(5) The notification referred to in sub-paragraph (4) must be in writing and must include—

- (a) the name of the developer;
- (b) the address or location of the development; and
- (c) the date of completion. *Noted.*

(6) Any new dwelling-house created under Class A is to remain in use as a dwelling-house 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 dwelling-house. *Noted*

Why prior approval should be given

Impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light.

Overlooking and privacy

The apartment building is in a dense urban environment. The apartment building is on a large corner plot, there is already a degree of mutual overlooking between the neighbouring properties to the rear and side elevations and on the opposite side of the road. This is not an area where one can expect a high degree of privacy, the degree of additional overlooking is considered marginal and it will not have a detrimental impact on the amenity of the resident in the adjoining properties.

The proposed upwards extension introduces three new windows on all of the facades. These windows largely follow the rhythm of the existing apartment

building, as such the proposal is not introducing any new relationships between the property and its neighbours. The amenity of neighbours with regard to overlooking and privacy is therefore considered to be fully preserved.

Sunlight and daylight

The accompanying Sunlight and Daylight Assessment has assessed the impact of the development on light levels to adjoining properties; specifically, Regents Heights and Parkwood on St Edmunds Terrace and Searle House and Kingsland Apartments on Broxwood Way to the north of the existing block of flats. The report carries out a VSC, NSL and APSH test to fully understand the impact on daylight and sunlight into neighbouring properties. An ADF test has also been carried out on two additional windows.

The report finds that:

Daylight: All but one of the 355 tested pass the VSC target of 27%. As noted above the one window that came in under was a 7th floor kitchen window in Barrie House. A VSC of 25.72% set against the target of 27% was predicated. Therefore, the room will remain well lit. It is also noted that the window serves a small kitchen, which is not considered to be a main habitable room. Therefore, due to the high level of retained light and the room's use, this negligible effect is not a material consideration.

Daylight Distribution (DD): Of the 196 rooms tested all will continue to meet the target values as set out in the BRE guidelines.

Sunlight: Of the 125 windows tested all will continue to meet the target values as set out in the BRE guidelines. This also demonstrates that light amenity to the neighbouring buildings will not be affected and that the occupiers will continue to enjoy a high degree of sunlight.

The NPPF states at paragraph 124 that there is a need to build at appropriate densities to make efficient use of land, particularly where there is an existing shortage of land to meet identified housing needs. Indeed, this is all part of the reason that the Permitted Development Right has been brought in. Paragraph 125 (c) goes on to state that Local Authorities should take *“a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site”*.

The Majors Housing SPG reiterates this, stating the following at paragraph 1.3.45.

“An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves.

Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets.

This is a highly accessible site in a dense urban environment and national and regional guidance says the BRE Standards should be applied flexibly in these scenarios. The Mayors Guidance specifically states that the alternative targets within the BRE should be used (as per Appendix F). This application is for a new family home for which there is a high identified need within planning policy. There is also a shortage of land supply in Camden. On this basis, it is considered that the material loss of light only really occurring to 1 flat is entirely acceptable.

As such, it is considered that impact on light levels to adjoining properties is acceptable and in accordance with the requirements of the prior approval condition.

The external appearance of the block of flats, including the design and architectural features of the principal elevations is considered acceptable. The reformation of the roof plant within a rendered housing is an improvement on the existing form.

The Applicant is aware that prior to the commencement of the development, they are required to submit 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. They are also aware that they will have to notify the Local Authority upon completion of the development.

A comprehensive assessment of the fire safety considerations of the block and the impacts of the proposed development have been undertaken. Enhanced fire safety measures for the block will be implemented prior to the occupation of the new apartment.

The residential block as it exists at present is not code compliant and requires additional works to achieve current standards which should be identified in the premises fire risk assessment and already be in place or part of a program of work to achieve compliance, i.e., FD30S fire door sets to flat entrances & storey exits opening directly onto escape routes.

Providing an additional floor does not directly impact on the fire safety for the existing premises. The means of escape provision for the existing common parts is being significantly improved from the original provision of manually ventilated common stairs/landing with no automatic fire detection.


The additional works as part of the proposed rooftop development, i.e. firefighting lift, ventilation in stairways & proposed common parts, installation of firefighting dry rising mains, wayfinding signage, emergency lighting etc, as stipulated within the strategy is considered a significant improvement in the passive and active fire safety provisions. Therefore, it is considered that the proposed development is acceptable, meets fire safety guidance and improves.

Summary

In summary, the submitted documents demonstrate that the site is suitable in terms of amenity and external appearance. The enlargement of the existing stand-alone block of flats by the construction of an additional residential storey to form a self-contained 3-bedroom apartment is therefore considered acceptable and fully complies with the requirements of Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020 meaning that prior approval should be granted by the Council.

It is therefore respectfully requested that prior approval is granted, and the development is permitted.

Yours faithfully

A handwritten signature in black ink, appearing to be 'P. Arthurs', with a long horizontal stroke extending to the right.

Patrick Arthurs
Planning Director - APD