

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		11/03/2022	
		N/A		<b>Consultation Expiry Date:</b>		11/04/2022	
<b>Officer</b>				<b>Application Number(s)</b>			
Nathaniel Young				2022/0138/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
King's Court 523 Finchley Road London NW3 7BP				Please refer to draft decision notice			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Erection of an additional storey to facilitate to 2 x self-contained residential flats above a detached block of flats.							
<b>Recommendation(s):</b>		Prior Approval Required – Approval given subject to S106 agreement					
<b>Application Type:</b>		GPDO Prior Approval - Schedule 2, Part 20, Class A (New dwellinghouses on detached blocks of flats)					
<b>Conditions or Reasons for Refusal:</b>		Refer to Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. of responses		<b>01</b>		No. of objections	
						<b>01</b>	
<b>Summary of consultation responses:</b>		<p>Site notice: 30/09/2020 – 24/10/2020</p> <p>One objection from occupiers of 1G Parsifal Road were received raising the following concerns:</p> <ol style="list-style-type: none"> <li>1. Loss of privacy</li> <li>2. Loss of light</li> </ol> <p><u>Officer comment</u></p> <ol style="list-style-type: none"> <li>1. See section 3.5 (g) – daylight/sunlight reports concludes that there would be no significant loss of light and proposal would be approximately 26m distance from nearest habitable rooms of 1G Parsifal Road (and as such would not result in an undue loss of privacy).</li> </ol>					
<b>Site Description</b>							

The application site contains a four-storey detached block of flats situated on the south-western side of Finchley Road. The building contains elevation self-contained residential flats (Class C3) and is located in a predominantly residential area.

The application building is not listed nor located within a conservation area. It is located within the Fortune Green and West Hampstead Neighbourhood Plan Area.

### **Relevant History**

2020/3511/P: Erection of an additional storey to facilitate to 2 x self-contained residential flats above a detached block of flats. Permission granted subject to S106 agreement 15/01/2021.

### **Relevant policies**

**National Planning Policy Framework 2021**

**The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)**

## Assessment

### 1.0 Proposal

1.1 Prior approval is sought for the erection of an additional storey to facilitate to 2 x self-contained residential flats above a detached block of flats.

1.2 The new flats would be located at fourth floor level. One would be a 1-bed 2-person flat measuring 57 sq. m and the other would be a studio flat measuring 38sqm.

#### Revisions

1.3 During the course of the application the applicant has submitted revised drawings showing:

-Front flat (Flat B) changed from 1-bedroom flat to studio to meet space standards.

### 2.0 Prior approval procedure

2.1 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 Schedule 2, Part 20, Class A allows for Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats.

2.2 Part 20, Class A allows for engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses; works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses; works for the construction of appropriate and safe access and egress to access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases; and works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

2.3 The development is subject to a number of conditions listed within sub-paragraph A.2. Sub-paragraph A.2 (1) a) – h) relate to the need for the developer to 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) 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 issued by the Secretary of State,*

### 3.0 Assessment

#### 3.1 Compliance with Paragraph A.1 (Development not permitted)

3.2 Paragraph 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;*

Complies.

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

Complies.

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

Complies.

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

Complies.

*(e) 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 building;*

Complies.

*(f) the new dwellinghouses are not flats;*

Complies.

*(g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);*

Complies.

*(h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;*

Complies.

*(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;*

Complies.

*(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;*

Complies.

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

Complies.

*(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;*

Complies.

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

Complies.

*(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;*

Complies.

*(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.*

Complies.

3.3 It is concluded that the proposal constitutes permitted development, pursuant to the provisions of Schedule 2, Part 20, Class A – Paragraph A.1

### **3.4 Compliance with Paragraph A.2 (Conditions)**

3.5 Where the development proposed is development under Schedule 2, Part 20, Class A, 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;*

Given the site's location on the busy Finchley Road (a Red Route and as such forms part of the Transport for London Road Network), and the lack of direct vehicular access other than via the alleyway off Parsifal Road, it is considered that a Construction Management Plan and associated Implementation Support Contribution of £3,920 and Impact Bond of £7,500 must be secured by means of a Section 106 Agreement. This is required in order to ensure that the proposed development can take place without unduly affecting highway safety or local amenity.

In line with Policy T2 of the adopted Local Plan, all new developments must be secured as resident parking permit free by means of a Section 106 Agreement. This is required in order to ensure that the future occupants do not add to existing parking pressures, traffic congestion and air pollution in the surrounding area, whilst also encouraging the use of more sustainable modes of transport such as walking, cycling and public transport.

In line with Policy T1 of the adopted Local Plan, cycle parking must be provided in accordance with the standards set out in the London Plan. This would require the provision of 2 cycle parking spaces (1 per

one bedroom unit). The submitted proposed block plan indicates that a new Sheffield stand (capable of accommodating 2 cycles) would be provided in the rear secure courtyard, which would meet the number required by the standards. The applicant has stated that the future occupants of the new flats would also have access to the existing rear cycle store, which is understood to be enclosed, and that the Sheffield stand could be used by visitors if required. This arrangement is considered to be acceptable and is secured by condition.

*(b) air traffic and defence asset impacts of the development;*

Given the size and siting of the proposed development, no air traffic or defence asset impacts have been identified. As such, the prior approval of the Council is not considered to be necessary.

*(c) contamination risks in relation to the building;*

The application site is not identified as being at risk from land contamination and the history of the building suggests that there have not been any potentially hazardous uses occupying the site for a considerable period of time. As such, the prior approval of the Council is not considered to be necessary.

*(d) flooding risks in relation to the building;*

The proposal would be located on the topmost floor of the subject building and the site is not located in a local flood risk zone. As such, the prior approval of the Council is not considered to be necessary.

*(e) the external appearance of the building;*

The proposal is considered to be subordinate to the host building in terms of scale and appearance. The extension would be significantly set back from the front elevation of the subject building and would not form an unduly visually obtrusive feature within the street scene. It would appropriately incorporate metal cladding to match the floor below. The proportions and positioning of the fenestration would relate and respect the existing hierarchy of fenestration. The proposed balustrading would be similar to the existing.

*(f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;*

Both newly created flats would be dual aspect. All habitable rooms would be served by at least one window, none of which would be directly north facing. It is considered that the habitable rooms of the new dwellinghouses would receive adequate levels of natural light.

*(g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;*

BRE guidelines suggest that 27% VSC is a good level of daylight. If a window does not achieve 27% VSC as a result of the development, then it is assessed whether the reduction in value would be greater than 20% of the existing VSC – which is when the reduction in light would become noticeable to occupants.

The applicant has submitted a daylight, sunlight and overshadowing impact assessment prepared by Hawkins environmental dated 30<sup>th</sup> July 2020. Calculations were conducted in accordance with the BRE Report in order to determine the extent to which the proposed roof extension at 523 Finchley Road will affect the levels of daylight and sunlight at adjacent properties.

This assessment concludes that at most windows, whilst there might be a small reduction in daylight and/or sunlight, the reduction will be small and as such is unlikely to be noticeable and therefore the impact of the proposed development on levels of daylight and sunlight to most windows is considered to be “negligible”.

The results of the assessment demonstrate that there will be a reduction in daylight to a window at 525 Finchley Road which will not fully satisfy the BRE recommendations on the impact on daylight in relation to neighbouring properties. However, in accordance with the BRE Guidance, it is considered that this magnitude of impact could be considered acceptable given that this window is located “unusually close to the site boundary and taking more than their fair share of light”. The BRE Report suggests that development should not be penalised in this situation and consequently, the location of the affected window in relation to the site boundary should be a major consideration when determining whether an impact would be significant. The window affected is a later added side dormer window facing the subject property.

Given the differences in orientation, height and distance between the proposed terraces and new windows and the nearest neighbouring habitable windows, it is not considered that there would be an undue loss of privacy as a result of the proposal. The majority of windows and the front terrace would face either directly forwards and rearwards towards either Finchley Road or to the gardens of the properties on Parsifal Road. These would not result in any detrimental impact to privacy. The rear/side terrace and side living room window of ‘Flat 13’ would not be able to look directly back into the habitable windows of No. 525. Due to the similar alignment of the buildings and the difference in height, the views angles afforded would be oblique and would not result in an undue loss of privacy. The side elevation windows of No. 525 which would face the proposal are small top-hung obscure glazed bathroom windows and as such would not be subject to any undue loss of privacy.

The nearest habitable windows of 1G Parsifal road would be approximately 26m from the proposal and as such would not result in an undue loss of privacy.

*(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 issued by the Secretary of State,*

The subject building, located on Finchley Road (near to the corner of Parsifal Road), is not sited in the path of any protected views identified in the Directions Relating to Protected Vistas. The proposal would therefore have no impact on any protected views.

*(i) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building,*

The building is less than 18m in height so this does not need to be assessed.

#### **4.0 Recommendation**

4.1 Prior approval required – approval given subject to S106 legal agreement.