

Delegated Report Prior Approval GPDO Part 1, Class AA		Analysis sheet N/A		Expiry Date: 01/08/2022		
				Consultation Expiry Date: 15/08/2022		
Officer Edward Hodgson			Application Number(s) 2022/2409/P			
Application Address 104 King Henry's Road London NW3 3SL			Drawing Numbers <i>Refer to Draft Decision Notice</i>			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature			
Proposal(s) Erection of additional storey above 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	02	No. of responses	0	No. of objections	0
Summary of consultation responses:	Site notice: 22/07/2022 – 15/08/2022 Notification letters to adjoining occupiers: 22/07/2022 – 15/08/2022 No responses were received.					

Site Description

The application site is a two-storey, end of terrace residential property constructed in the 1960s and is part of the Chalcot's Estate. It is constructed with brick and finished in white render.

The surrounding area is residential in character. The application site is not within a Conservation Area and the building is not listed.

Relevant History

Application Site:

2007/1475/P - Erection of new 2 storey side extension and first floor rear extension over roof terrace.
Granted – 08/06/2007

Neighbouring Properties:

106 King Henry's Road

2021/3370/P - Erection of an additional storey to an existing dwellinghouse. **Prior Approval Granted – 02/11/2021**

108 Kings Henry's Road

2021/4068/P - Erection of an additional storey on existing dwellinghouse. **Prior Approval Granted – 19/01/2022**

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

Assessment

1. Proposal

- 1.1. The proposal seeks prior approval for an additional storey above the existing first floor flat roof, measuring 3.3m in height.
- 1.2. The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (GPDO) 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.1 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 M, 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 (Approx. 8.96m)
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. 3.3m)
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. 3.3m)
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?	No (Approx. 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? (existing and proposed- 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)
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Assessment against Class AA.2 criteria:

Impact on the amenity of adjoining premises

- 2.2. The property is an end of terrace and it is considered that the additional storey would not impact significantly on the daylight and sunlight of neighbouring properties. A daylight and sunlight assessment report was submitted which states that there would be no significant impact on neighbouring occupiers at nos. 115 and 106 King Henry's Road, or 5 Lower Merton Rise.
- 2.3. The additional storey would not unduly obstruct the outlook of neighbouring habitable windows nor create any new views into them.

The design and architectural features of the principal and side elevation

- 2.4. The proposal would match the existing materials and colour, including the proposed bricks and render to match the existing brickwork and render finish. This would result in an extension that blends into the existing fabric of the host property and surrounding context. The proposed windows would be sympathetic and would line up with and reflect the fenestration of the windows on the lower floors. Thus the design and architectural features of the extension are considered acceptable.

Air traffic and defence asset impacts

- 2.5. Given the scale and siting of the development, there would be no impact on air traffic or defence assets.

Impact on protected views

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

Conclusion

The Council has taken into account the responses from the consultation process and the guidance in the NPPF 2021, 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