

Delegated Report Prior Approval GPDO Part 1, Class AA		Analysis sheet N/A / attached		Expiry Date:	21/11/2022
				Consultation Expiry Date:	02/01/2023
Officer Leela Muthoora			Application Number(s) 2022/5227/P		
Application Address 2 Tobin Close London NW3 3DY			Drawing Numbers		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of an additional storey to the 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. of responses	00	No. of objections	00	
Summary of consultation responses:	Three site notices were displayed outside 2 Tobin Close, 11 Tobin Close and 53 Fellows Road from 09 December 2022 to 02 January 2023. No comments or objections have been received.				
CAAC/Local groups comments:	None received				

Site Description

The site is located within a planned residential estate (known as the Chalcot Estate) between Fellows Road to the north and King Henry's Road to the south, dating from the 1960's. The application site refers to a two-storey mid-terrace single dwellinghouse located on the northern side of Tobin Close within a group number 1 to 8 Tobin Close. The group match in terms of their design, scale, form and materials. The front building line of the property faces north-west towards the rear building line of the terrace of Nos. 29-55 (odd) Fellows Road. The surrounding area is residential in character.

The building is not statutorily listed and is not situated in a conservation area.

Relevant History

Application ref	Development Description	Decision & Date
2019/4747/P	Installation of rooflight and window to side east elevation of converted garage	Granted 28/11/2019
2016/0055/P	Erection of rear dormer extension with roof lights to front roof slope.	Certificate Granted 21/01/2016
2015/0624/P 1 & 2 Tobin Close	<p>The extension of the roof at Nos.1 and 2 Tobin Close, including the raising of the ridge and eaves and rear dormers, to create additional habitable floor space in loft.</p> <p><u>Reasons for Refusal</u> The proposed roof extensions, by reason of their height, bulk, design and siting, would harm the character and appearance of the host buildings, the unbroken roofscape of the terrace at 1-8 Tobin Close and the character and appearance of the Chalcot Estate. Thus, the proposal is contrary to policies CS5 and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.</p>	Refused 09/12/2015

Neighbouring sites

2022/3319/P	<p><u>1 Tobin Close</u> Erection of additional storey on second floor of dwellinghouse.</p>	Prior Approval Granted 26/09/2022
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Relevant policies

The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020

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

National Planning Policy Framework (NPPF) 2021

Assessment

1. Proposal:

- 1.1 The proposal seeks prior approval for an additional storey above the existing second floor flat roof which would be approximately 2.6m in height from the existing highest part of the roof to the proposed highest part of the roof. The proposed additional storey would increase the overall height of the building to 8.1m to the eaves.
- 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 dwelling house consisting of the construction of up to two additional storeys (where the existing dwelling house consists of two or more storeys).
- 1.3 This is subject to a number of conditions listed within sub-paragraph AA.1 (a)-(k) set out in the table below, and a subsequent condition in sub-paragraph AA.2(3)(a) 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 dwelling house, including the design and architectural features of—
 - (aa) the principal elevation of the dwelling house, and
 - (bb) any side elevation of the dwelling house that fronts a highway;
 - iii. air traffic and defence asset impacts of the development;
 - iv. and whether, as a result of the siting of the dwelling house, 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.

2.1 Assessment against Class AA.1 conditions:

Class AA: The enlargement, improvement or other alteration of a dwelling house		
If yes to any of the questions below the proposal is not permitted development		Yes/no
AA.1 (a)	Permission to use the dwelling house as a dwelling house has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use).	No
AA.1 (b)	The Dwelling House is located on – (i) Article 2(3) land; or (ii) A site of special scientific interest.	(i) No (ii) No
AA.1 (c)	The dwelling house was constructed before 1st July 1948 or after 28th October 2018.	No
AA.1 (d)	The existing dwelling house has been enlarged by the addition of one or more storeys above the original dwelling house, 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 dwelling house would exceed 18 metres.	No (approx. 10m)
AA.1 (f)	Following the development the height of the highest part of the roof of the dwelling house would exceed the height of the highest part of the roof of the existing dwelling house by more than— (i) 3.5 metres, where the existing dwelling house consists of one storey; or (ii) 7 metres, where the existing dwelling house consists of more than one storey.	No (approx. 2.6m above roof)
AA.1 (g)	The dwelling house 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.	(i) No (ii) No (approx. 2.6m above)
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 dwelling house.	(i) No (ii) No (internal height 2.4m)
AA.1 (i)	Any additional storey is constructed other than on the principal part of the dwelling house.	No
AA.1 (j)	The development would include the provision of visible support structures on or attached to the exterior of the dwelling house upon completion of the development.	No
AA.1 (k)	The development would include any engineering operations other than works within the curtilage of the dwelling house to strengthen its existing walls or existing foundations.	No
Conditions. If no to any of the statements 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 dwelling house.	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, it does not
AA.2 (c)	The roof pitch of the principal part of the dwelling house following the development must be the same as the roof pitch of the existing dwelling house.	Existing and Proposed: flat roof
AA.2 (d)	Following the development, the dwelling house must be used 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.	Yes (an informative will be included on the decision)

2.2 Assessment against Class AA.2 Prior Approval criteria:

Impact on the amenity of adjoining premises:

Condition AA.2(3)(a)(i)

2.3 Given the relationship between the host property within the terrace being east and west of the site, the proposal would not have a significant effect on the daylight and sunlight enjoyed by these properties. The nearest neighbouring properties to the rear at numbers 53 to 55 Fellows Road are situated over three floors, with a lower level to the rear at Tobin Close forming three storeys and two-storeys fronting Fellows Road. The proposed additional storey to Tobin Close would not disect the 25 degree line at the rear and therefore would not have a detrimental effect on the daylight and sunlight to these properties.

2.4 The additional storey would have windows at the front and rear. There is generous separation distance of approximately 27m from the rear elevation to the nearest building line of 11 and 12 Tobin Close to the south-east.

2.5 There is a separation distance of approximately 12.5m between the principal rear building line of the site and the rear building line of 53 and 55 Fellows Road, to the north-west. This is less than the minimum separation distance of 18m as required by CPG Amenity. However, they match the existing arrangement and therefore would not have such a detrimental effect as to refuse the prior approval on these grounds.

Design and architectural features of the principal and side elevation

Condition AA.2(3)(a)(ii)

2.6 The proposal seeks to extend the main part of the building by one storey to create one additional bedroom and bathroom, allowing for one of first floor bedrooms to be used as a study. The proposed additional storey would be positioned on the principal front and rear elevations of the building and would not extend beyond the principal rear building line. The proposed floor to ceiling height would be approximately 2.4m high.

2.7 The proposed additional storey would match the existing building material palette and detailing with brickwork at ground floor and white painted render at upper levels. The proposed windows would match the fenestration pattern of the existing windows, aligned with the existing windows on the lower floors, and would be of the same style as the existing windows. As the additional storey will reflect the design of the existing building, the proposal is considered to be appropriate in design terms.

Air traffic and defence asset impacts

Condition AA.2 (3)(a)(iii)

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

Impact on protected views

Condition AA.2(3)(a)(iv)

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

2.10 Condition AA.2 (3)(b) 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 will be added to the decision.

2.11 **Conclusion-**

The Council has taken into account any responses from the consultation process (of which there are none in this case) 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).

Recommendation: Grant prior approval