

Prior Approval Report		Analysis sheet	Expiry Date:	07/10/2022
		N/A / attached	Consultation Expiry Date:	02/02/2022
Officer			Application Number(s)	
Daren Zuk			2022/3708/P	
Application Address			Drawing Numbers	
7 Hilltop Road London NW6 2QA			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of a single storey rear extension (measuring 4 metres deep and 2.89 metres high) to the existing dwellinghouse (Class C3).				
Recommendation(s):		Prior Approval Not Required		
Application Type:		GPDO Prior Approval Part 1 Class A		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	06	No. of responses	00	No. of objections	02
			No. electronic	00		
Summary of consultation responses:	<p>Site notices were displayed from 16/09/2022 to 15/10/2022.</p> <p>Letters were posted to the adjacent neighbours at Nos. 5 and 9 Hilltop Road and 157, 159, and 161 West End Lane on 09/01/2023 to notify them of the proposals.</p> <p>One objection received from a neighbouring property. The response is summarized as follows:</p> <ul style="list-style-type: none"> - Concerns over visual and environmental effects on neighbouring properties <p><u>Officer's Response:</u></p> <ul style="list-style-type: none"> - <i>Following receipt of the above objection to the proposal, an assessment has been made by the Council as required as to the impact of the proposed development on the amenity of any adjoining premises (see Sections 3 and 4 below);</i> - <i>This application is for prior approval (rather than full planning permission), and as such, only matters which impact on the amenity of the adjoining occupiers can be taken into consideration in so far as the GDPO Regulations allow. It is within this context that the application has been assessed (please see Section 3 and 4 below).</i> 					
Site Description						
<p>The application site, located at 7 Hilltop Road, is a two-storey (plus loft) detached residential dwelling located on the east side of Hilltop Road. It has an existing 4 metre deep full width single-storey rear extension granted on 11/02/2020 (Ref. 2019/5668/P).</p> <p>The surrounding area is residential in character, and includes a mix of detached, semi-detached, and mansion block residences. The application site is not listed nor situated within a conservation area.</p>						
Relevant History						
<p>2009/1649/P Additions and alterations to include single-storey side extensions and first floor rear extension to dwellinghouse (Class C3). Refused 26/05/2009</p> <p>2010/5886/P Erection of single storey rear extension to single dwelling house (Class C3). Withdrawn 22/12/2010</p> <p>2011/0963/P Erection of a single storey ground floor level flat-roofed rear extension to both dwellings. Refused 13/05/2011</p> <p>2011/2914/P Erection of single storey rear extensions with green roofs to both dwellings. Refused 06/03/2012</p> <p>2012/4756/P Erection of single storey rear extension to single dwellinghouse (Class C3). Refused 11/03/2013</p>						

2013/5804/P Erection of single storey rear extensions at No.5 (depth part 4.6m part 3.8m x height 3.1m x width 10.1m), and at No. 7 (depth 4.7m x height 3.1m x width 10.1m) to single family dwellinghouses. (Class C3). **Refuse Prior Approval 23/10/2013**

2013/7801/P Erection of 2 x single storey side and rear extensions. **Withdrawn 01/03/2017**

2017/1945/P Single storey rear extensions. **Granted 08/06/2017**

2019/2150/P Erection of single storey rear extension. **Withdrawn 05/11/2019**

2019/5668/P Erection of single storey rear infill extension. **Granted 11/02/2020**

2020/2331/P Creation of a front porch and alterations to front steps. **Withdrawn 05/10/2020**

2020/2332/P Erection of a single storey outbuilding. **Granted 24/08/2020**

2020/5166/P Erection of a front porch to the dwellinghouse and new fan light above (Use Class C3). **Granted 19/11/2020**

2020/5617/P Creation of steps leading to the main door of the front elevation. **Granted 23/02/2021**

Assessment

1. Proposal

1.1 The applicant has submitted details as required under the amended GDPO paragraph A.4 (2) giving the height, depth, and all other details necessary to assess the scheme. The rear extension would measure 4 metres deep (8 metres including the previously approved and constructed rear extension), with a height of 2.89 metres to the eaves.

2. Extension of Time

2.1 The applicant has agreed in writing to an extension of the statutory time period for determining the application until 03/02/2023.

3. Assessment

3.1 *Assessment against Class A conditions*

Class A: The enlargement, improvement or other alteration of a dwellinghouse		Yes/no
If yes to any of the questions below the proposal is not permitted development		Yes/no
A.1(a)	Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use)	No
A.1(b)	As a result of the works, will the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)?	No
A.1(c)	Will the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse?	No
A.1(d)	Will the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse?	No
A.1(e)	Will the enlarged part of the dwellinghouse extend beyond a wall which	No

	(i) fronts a highway, and (ii) forms either the principal elevation or a side elevation of the original dwellinghouse?	
A.1(f)	<i>subject to paragraph (g) below</i> , will the enlarged part of the dwellinghouse have a single-storey and (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, <u>or 3 metres in the case of any other dwellinghouse</u> , or (ii) exceed 4 metres in height?	N/A (see para g below)
A.1(g)	for a dwellinghouse not on Article 1(5) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, <u>or 6 metres in the case of any other dwellinghouse</u> , or (ii) exceed 4 metres in height;	No
A.1(h)	Will the enlarged part of the dwellinghouse have more than one storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse?	No
A.1(i)	Will the enlarged part of the dwellinghouse be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part exceed 3 metres?	No
A.1(j)	Will the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse, and either (i) exceed 4 metres in height, (ii) have more than one storey, or (ii) have a width greater than half the width of the original dwellinghouse?	No
A.1(k)	Would it would consist of or include either (i) the construction or provision of a veranda, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse?	No
A.1(l)	The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	No
Conditions. If no to any of the statements below then the proposal is not permitted development.		
A.3(a)	Would the materials used in any exterior work (other than materials used in the construction of a conservatory) be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse?	Yes
A.3(b)	Would any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse be— (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed?	N/A
A.3(c)	Where the enlarged part of the dwellinghouse has more than one storey, would the roof pitch of the enlarged part, so far as practicable, be the same as the roof pitch of the original dwellinghouse?	N/A

3.2 This concludes that the proposed extension would comply with the limitations and conditions (A.1 to A.3) as set out above under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This

concludes that the proposed extension complies with the limitations and conditions under Class A of Part 1 of Schedule 2 of the GDPO. Although the combined total depth of the extensions (constructed and proposed) exceeds 3 metres in depth as stated in criteria (f), this is subject to criteria (g) as well (which allows 8 metre long extensions for detached dwellings). In such cases, according to paragraph A.4(1), the following conditions apply to development permitted by Class A which exceeds the limits of paragraph A.1(f) but is allowed by paragraph A.1(g). In brief, the developer needs to apply for Prior Approval and the Council has to consult neighbours; if any objections are received, then Prior Approval is required and the Council has to assess the amenity impacts of the scheme. This process has taken place and two objections have been received, which are discussed in paragraph 3.3 below.

3.3 Two letters were received from neighbouring occupiers objecting to the proposed rear extension. The main concerns raised were related to the visual and environmental impact of the proposed extension, leading to over development on the site. Although concerns were raised, they were not related to the impact of the extension on neighbouring amenity (overlooking, sense of enclosure, loss of sun and daylight) and are thus not considered or assessed under Class A of Part 1 of Schedule 2 of the GDPO.

3.4 In this case, the extension exceeds 3 metres in depth but is less than 8m depth (for detached dwellings) and thus is allowed by para (g) subject to the Prior Approval procedure. Hence the submitted application.

4. Summary and Conclusion

4.1 To summarize, the proposed development at 7 Hilltop Road falls under the definition of permitted development and does not require planning permission. As the two objections received were related to the visual impact of the development and not impacts on neighbouring amenity, the proposed development is in accordance with paragraph A.4 (7) of the GDPO. Thus, Prior Approval is not required in order to assess the amenity impacts and the scheme remains as permitted development.

5. Recommendation: Prior approval not required.