

# 2024/4372/P

## Flat B, 59 Torriano Avenue



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**2024/4372/P**

Flat B, 59 Torriano Avenue

Photos and Plans

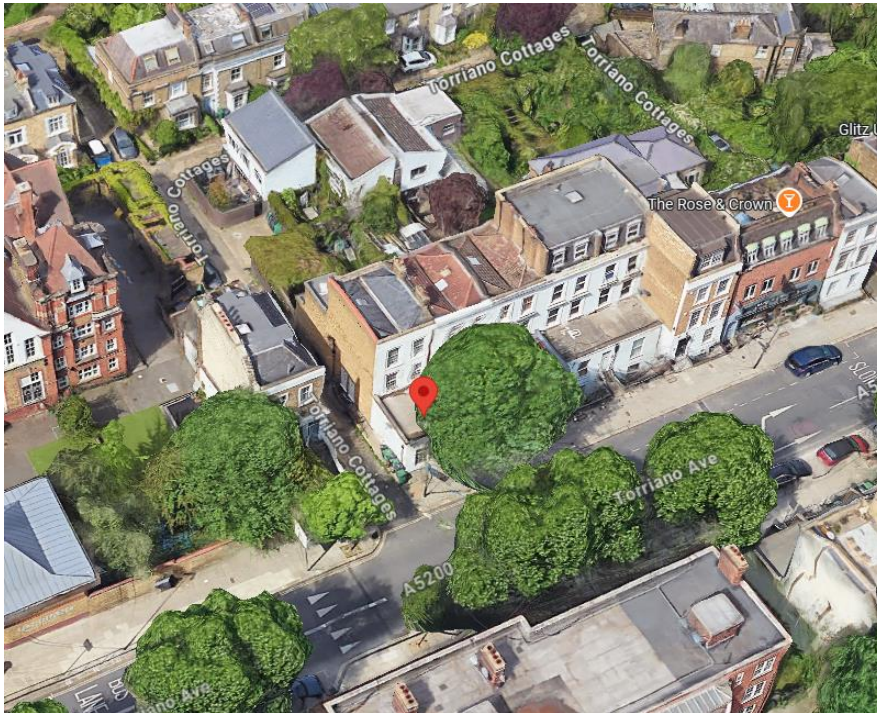


Fig 1. Aerial view of 59 Torriano Avenue



Fig 2. Existing front elevation (Google)

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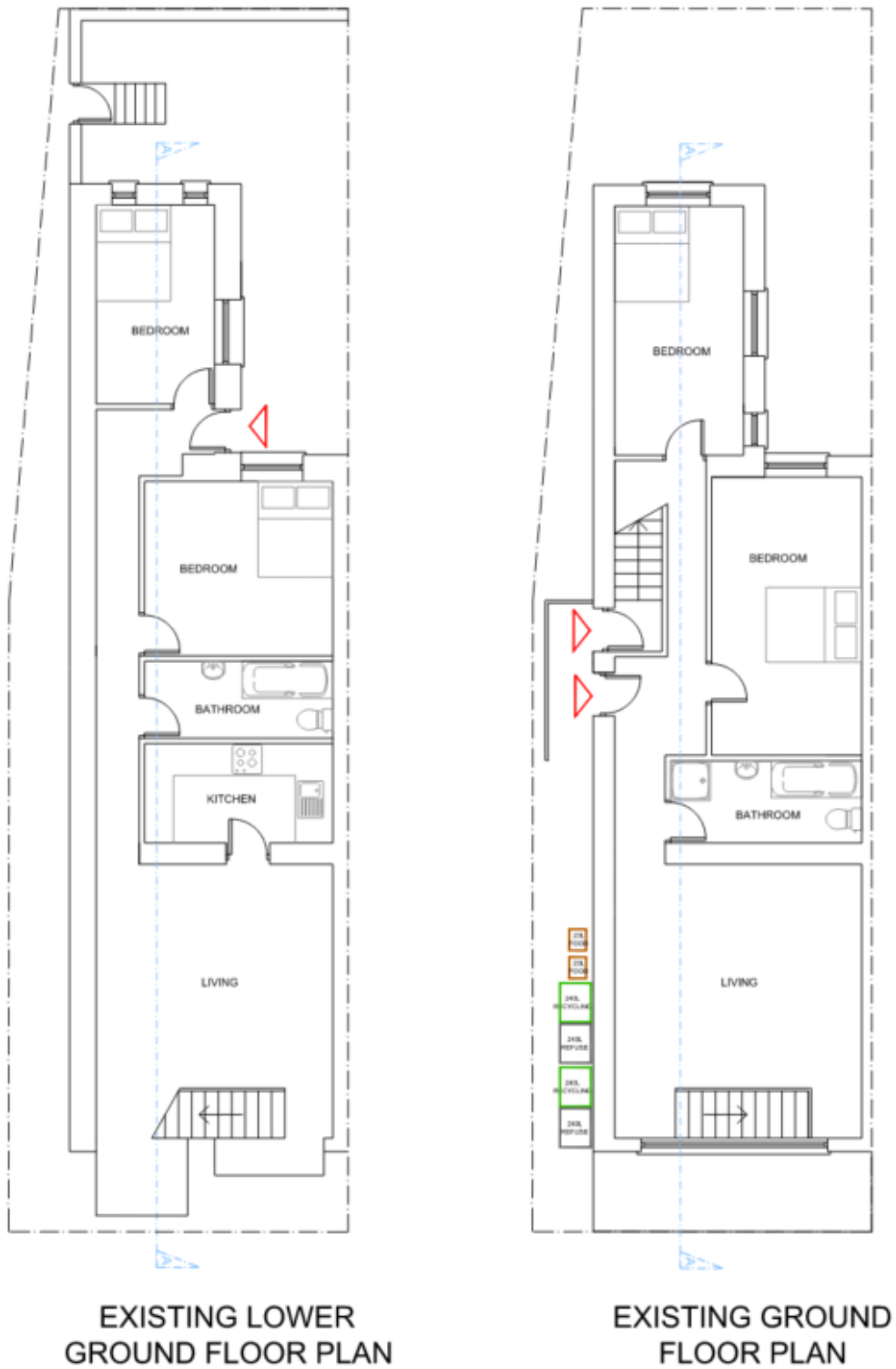


Fig 3. Existing basement (lower ground floor) and ground floor plans.

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Fig 4. Proposed basement (lower ground floor) and ground floor plans.

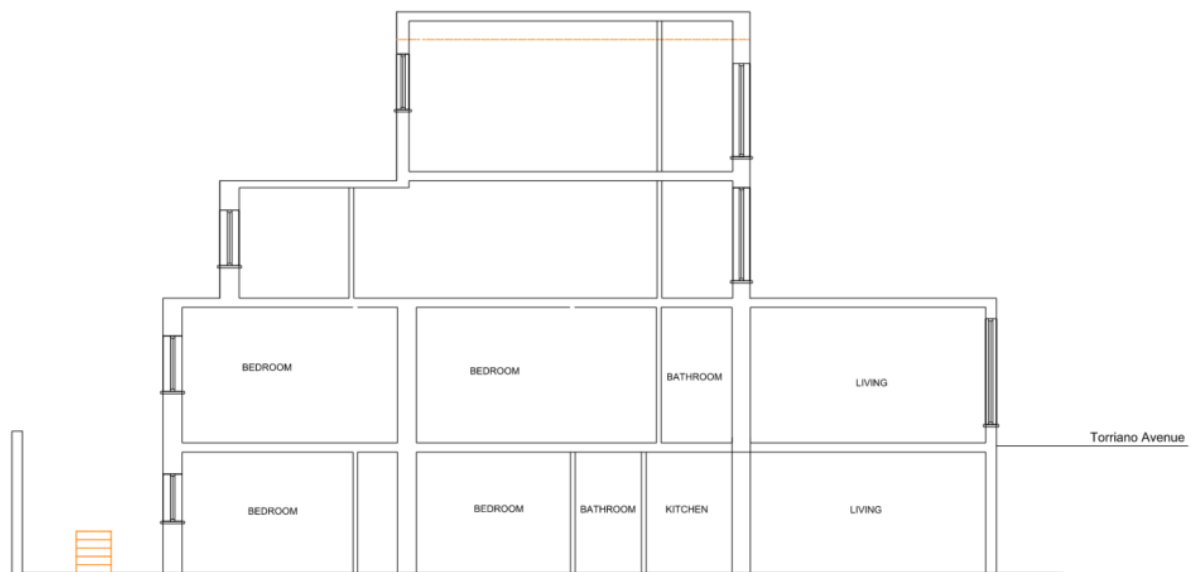
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Fig 5. Existing front elevation.



EXISTING SECTION A-A

Fig 6. Existing section AA

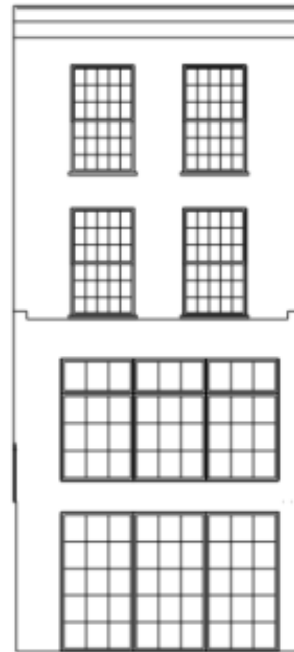
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PROPOSED FRONT  
ELEVATION



PROPOSED SECTION B-B

*Fig 5. Proposed front elevation and front lightwell section.*

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>04/12/2024</b>	
(Members Briefing)		N/A / attached		<b>Consultation Expiry Date:</b>		09/11/2024	
<b>Officer</b>				<b>Application Number(s)</b>			
Daren Zuk				2024/4372/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Flat B 59 Torriano Avenue London NW5 2SG				See 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>							
Conversion of the existing self-contained flat (Flat B) at lower ground and ground floors to facilitate the creation of two self-contained flats. Creation of front lightwell and installation of sliding doors to lower ground floor front elevation. Provision of bin and cycle store in rear garden.							
<b>Recommendation(s):</b>		Grant conditional planning permission subject to a S.106 Legal Agreement					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>00</b>	No. of responses	<b>05</b>	No. of objections	<b>05</b>
<b>Summary of consultation responses:</b>		<p>Site Notice: displayed 16/10/2024, expired 09/11/2024</p> <p>Five responses objecting to the proposals were received from neighbouring occupiers of Torriano Cottages. Their concerns are summarised as follows:</p> <ol style="list-style-type: none"> <li>1. Concerns regarding the proposed bin storage along the side laneway elevation resulting in vehicular and pedestrian access issues, bin collection issues, and property access.</li> <li>2. Concerns with the red line boundary and whether the applicant has the right to utilise the side laneway for bin storage.</li> <li>3. Inaccuracy of the existing and proposed plans.</li> <li>4. Concerns regarding impacts of the front lightwell on the street tree.</li> </ol>					

	<p><u>Officer's Response:</u></p> <ol style="list-style-type: none"> <li>1) <i>The proposal has been amended, with the bin storage facility being relocated to within the rear garden.</i></li> <li>2) <i>Red line and ownership boundary issues are not a material planning consideration.</i></li> <li>3) <i>The Planning Officer conducted a site visit and requested that the existing and proposed plans be updated to properly reflect the current and proposed conditions. The most recent plans (Rev D) are considered accurate.</i></li> <li>4) <i>Given the limited level of excavation to create the front lightwell, it is not anticipated that the street tree will be negatively impacted.</i></li> </ol>
<b>Kentish Town Neighbourhood Forum</b>	The Kentish Town Neighbourhood Forum were consulted but did not provide a response.
<b>Bartholomew Estate and Kentish Town CAAC</b>	<p>A letter of objection was received on behalf of the Bartholomew Estate and Kentish Town CAAC. Their objection comments can be summarised as follows:</p> <ol style="list-style-type: none"> <li>1. Concerns regarding the bin storage being located along the side elevation within the Torriano Cottages laneway.</li> </ol> <p><u>Officer's Response:</u></p> <ol style="list-style-type: none"> <li>1) <i>The proposal has been amended, with the bin storage facility being relocated to within the rear garden.</i></li> </ol> <p><b><i>It is noted that the subject site is not located within the Bartholomew Estate and Kentish Town CAAC area.</i></b></p>

## Site Description

The application site is located on the west side of Torriano Avenue, at the junction with Torriano Cottages. It comprises an end of terrace building subdivided into two self-contained maisonettes at basement/ground floors and first/second floors. The area of the property comprising the current application is at basement and ground floors only. The site is not statutorily or locally listed, nor located within a Conservation Area, but located within the Kentish Town Neighbourhood Plan area.

## Relevant History

**PEX0300046** – Change of Use from B1 to C3 and works of conversion to form 1 residential unit at ground and basement levels. As shown on Proposed front elevation TA/04/03 (REV) B, Proposed floor plans TA/04/03 (REV) A, 04/03/1AD, 95/04. **Granted 29/04/2003**



**2012/3119/P – Erection of a mansard roof extension to residential property (Class C3). Refused 06/08/2012, Appeal Dismissed 29/10/2013**

## **Relevant Policies**

### **National Planning Policy Framework (2023)**

### **The London Plan (2021)**

### **Camden Local Plan (2017)**

- H1 Maximising housing supply
- H4 Maximising the supply of affordable housing
- H6 Housing choice and mix
- H7 Large and small homes
- A1 Amenity
- D1 Design
- D2 Heritage
- T1 Prioritising walking, cycling and public transport
- T2 Parking and car-free development

### **Camden Planning Guidance**

- CPG (Amenity)
- CPG (Design)
- CPG (Home Improvements)
- CPG (Housing)
- CPG (Transport)

### **Kentish Town Neighbourhood Plan (2016)**

- D3 Design Principles

## **Assessment**

### **1. Proposal**

1.1. Planning permission is sought for the:

- Subdivision of the existing maisonette on basement and ground floor levels into two self-contained residential dwellings (2x two-bedroom units);
- Creation of a front lightwell and installation of sliding doors at front basement level; and
- Provision of bin and cycle store within the rear garden along with alterations to the rear brick boundary wall.

### **2. Revisions**

2.1. Following discussions with officers, the applicant revised the proposal to remove the previously proposed bin storage from the side laneway elevation. The provision of bin storage within the rear garden is now considered acceptable.

### **3. Planning Considerations**

3.1. The key considerations material to the determination of this application are as follows:

- Land Use
- Housing Considerations
- Design and Conservation
- Amenity
- Transport
- Refuse and Recycling

### **4. Land Use**

4.1. The proposals involve subdivision of the existing basement/ground floor maisonette to create two self-contained two-bedroom units. Policy G1 supports development that makes best use of its site, taking into account quality of design, its surroundings, sustainability, and amenity. The existing building is considered an appropriate location for more housing given it is the predominant existing land use of the area. The addition of new housing is supported by Policy H1, which seeks to increase the housing supply within the borough.

### **5. Housing Considerations**

#### *Dwelling Mix*

5.1. The Council requires development to contribute to the creation of mixed and inclusive communities by containing a mix of large and small homes. Policy H7 of the Local Plan includes a Dwelling Size Priorities Table which sets out priorities for different sizes of residential units. The policy also seeks to ensure that all housing development contributes to meeting the priorities set out in the Dwelling Size Priorities Table and includes a mix of large and small homes.

5.2. The proposal includes the creation of 2x self-contained two-bedroom flats, which are which are regarded as a high priority. Thus, the proposed unit mix is welcomed.

#### *Affordable Housing*

5.3. Policy H4 on maximising affordable housing requires a contribution to affordable housing from all developments that provide one or more additional homes and involve the total addition to residential floorspace of 100sqm GIA or more. In this case, the proposal seeks to subdivide one existing maisonette into two self-contained dwellings. As no additional residential floorspace is proposed, the proposal not liable for an affordable housing contribution.

#### *Standards of Accommodation*

5.4. Policy H6 outlines how the Council will seek to secure high quality accessible homes in all developments that include housing. We will encourage design of all housing to provide functional, adaptable and accessible spaces, and expect all self-contained homes to meet the nationally described space standard.

5.5. The proposal consists of 2x two-bedroom units located at basement and ground floor levels, with one located at basement level and the other at ground floor level. Each of the units would be dual aspect (east and west frontages) and feature well laid out floorplans with two bedrooms, combined kitchen/living areas. The basement unit also features a front lightwell and rear garden access. It is considered that both of the two units would receive sufficient daylight/sunlight and would be compliant with BRE guidelines, as well as featuring good levels of outlook, privacy and ventilation.

5.6. In terms of space standards, both units would have a GIA of 66sqm, above the minimum required 61sqm for two-bedroom, three-person units.

## **6. Design and Conservation**

6.1. The Council's design policies are aimed at achieving the highest standard of design in all developments. The following considerations contained within Policy D1 are relevant to the application: development should respect local context and character; comprise details and materials that are of high quality and complement the local character; and respond to natural features..

6.2. External alterations to the building to facilitate the subdivision into two self-contained units are minimal and are concentrated to the front elevation. To allow for more natural light and outlook to the new basement level unit, the existing front vaults will be minimally expanded and opened up with a new lightwell created. Many of the properties along Torriano Avenue feature front lightwells, thus the principle of the works is considered acceptable and will not negatively impact the host building or wider street scene. The lightwell will be enclosed by metal balustrades to match others along Torriano Avenue, which is acceptable.

6.3. Concerns were raised during the consultation process regarding the creation of the front lightwell and impacts on a mature street tree. The level of excavation is considered minor in scope and scale and is not considered to impact the street tree.

6.4. Within the new lightwell a large sliding glass door will be installed, allowing access to the lightwell as well as daylight to the front room. The door will be of a similar style as the existing ground floor front window and will thus not have a negative impact on the host building.

6.5. At the rear, an additional side garden entrance door will be created in the brick boundary wall to allow for access to the rear garden. The existing door will be expanded and will allow for access to a separate new shared bin and cycle storage area which will be level to the pavement on Torriano Cottages. This is considered a minor alteration which does not raise any concern on design grounds.

## **7. Amenity**

7.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting planning permission to development that would not harm the amenity of residents. This includes factors such as privacy, outlook, and implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development.

7.2. Although the proposed rear bin and cycle storage area would occupy a portion of the rear garden, it is considered that a significant portion of the rear garden would be retained for use by occupiers of the basement unit.

7.3. Given the scale and scope of the proposed works, they not considered to lead to a significant impact upon the amenities of any neighbouring resident with regards to loss of daylight/sunlight, outlook, or privacy. The development is thus considered to be in accordance with planning Policy A1.

## **8. Transport Considerations**

8.1. In accordance with Policy T1, it is expected that cycle parking at development to be provided in accordance with the standards set out in the London Plan. For residential units with two or more bedrooms, the requirement is for two spaces per unit. This would give a requirement for 4 cycle parking spaces. The applicant has shown two Sheffield stands (4 spaces) located within the rear garden next to the bins. This is considered acceptable and will be secured by condition.

8.2. In accordance with Policy T2, the additional unit will be secured as residents parking permit (car) free by means of a Section 106 legal agreement. The applicant has nominated Flat 1 (basement flat) as the unit which will be car free. Flat 2 (ground floor flat) will retain the option for a residents parking permit.

8.3. The front lightwell excavation will require an Approval in Principle (AiP) with regards to maintaining structural integrity of the adjacent public highway (footway) during construction. The AiP and associated fee (£1,119.42) will be secured by means of the S.106 legal agreement.

8.4. Given that the proposed works are limited to the front lightwell and the internal fit out of the flats, a Construction Management Plan is considered unnecessary. It is similarly considered that a highways contribution is unnecessary in this instance.

## **9. Refuse and Recycling**

9.1. The existing refused and recycling (bin) storage is not considered acceptable, with bins being stored either along the side laneway elevation or within the front pavement. The current application seeks to improve the condition and has proposed moving the bin storage to a dedicated area the rear garden. The bins in that location will serve both the new basement and ground floor units, as well as the existing maisonette at first and second floor levels and will be moved to Torriano Avenue on collection days.

## **10. Biodiversity Net Gain**

10.1. Based on the information provided, this will not require the approval of a BGP before development is begun because it is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).

## **10. Conclusion and Recommendations**

10.1. As such, the proposed development is in general accordance with policies A1, D1, D2, H1, H6, H7, T1, and T2 of the Camden Local Plan 2017 and policy D3 of the Kentish Town Neighbourhood Plan 2016. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework 2023. Thus, it is recommended the application be granted condition planning permission subject to a S.106 legal agreement.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 18<sup>th</sup> November 2024 nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***

Application ref: 2024/4372/P  
Contact: Daren Zuk  
Tel: 020 7974 3368  
Date: 11 November 2024

**Development Management**  
Regeneration and Planning  
London Borough of Camden  
Town Hall  
Judd Street  
London  
WC1H 9JE

Phone: 020 7974 4444

[planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

HK Architects  
198 High Street  
Barnet  
Herts  
EN5 5SZ

Dear Sir/Madam

**DRAFT**  
**FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION**  
Town and Country Planning Act 1990 (as amended)

**DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Address:

**Flat B**  
**59 Torriano Avenue**  
**London**  
**NW5 2SG**

Proposal:

**DECISION**  
Conversion of the existing self-contained flat (Flat B) at lower ground and ground floors to facilitate the creation of two self-contained flats. Creation of front lightwell and installation of sliding doors to lower ground floor front elevation. Provision of bin and cycle store in rear garden.

Drawing Nos: (Prefix 18703) L.01, EX.01, P.01 Rev D, Planning Statement (prepared by HK Architecture, dated October 2024), Internal Daylight Assessment (prepared by T16 Design Ltd., dated September 2024)

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

(Prefix 18703) L.01, EX.01, P.01 Rev D, Planning Statement (prepared by HK Architecture, dated October 2024), Internal Daylight Assessment (prepared by T16 Design Ltd., dated September 2024)

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

- 4 Prior to occupation of the new units, the secure and covered cycle storage facility for 4 cycles (2 Sheffield stands) shall be provided in its entirety in accordance with approved plan '18703.P.01 Rev D', and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 5 The waste storage facility as approved and shown on drawing no. '18703.P.01 Rev D' shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5, A1, and A4 of the London Borough of Camden Local Plan 2017.

- 6 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 3 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 5 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 6 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.



7 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.

8 Biodiversity Net Gain (BNG) Informative (1/2):

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 ("1990 Act") is that planning permission granted in England is subject to the condition ("the biodiversity gain condition") that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below, but you should check the legislation yourself and ensure you meet the statutory requirements.

Based on the information provided, this will not require the approval of a BGP before development is begun because it is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).

++ Summary of transitional arrangements and exemptions for biodiversity gain condition

The following are provided for information and may not apply to this permission:

1. The planning application was made before 12 February 2024.
2. The planning permission is retrospective.
3. The planning permission was granted under section 73 of the Town and Country Planning Act 1990 and the original (parent) planning permission was made or granted before 12 February 2024.
4. The permission is exempt because of one or more of the reasons below:
  - It is not "major development" and the application was made or granted before 2 April 2024, or planning permission is granted under section 73 and the original (parent) permission was made or granted before 2 April 2024.
  - It is below the de minimis threshold (because it does not impact an onsite priority habitat AND impacts less than 25 square metres of onsite habitat with biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat).
  - The application is a Householder Application.
  - It is for development of a "Biodiversity Gain Site".
  - It is Self and Custom Build Development (for no more than 9 dwellings on a site no larger than 0.5 hectares and consists exclusively of dwellings which are Self-Build or Custom Housebuilding).
  - It forms part of, or is ancillary to, the high-speed railway transport network (High Speed 2).

## 9 Biodiversity Net Gain (BNG) Informative (2/2):

### + Irreplaceable habitat:

If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.

### ++ The effect of section 73(2D) of the Town and Country Planning Act 1990

If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission (“the earlier BGP”), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect both the post-development value of the onsite habitat and any arrangements made to compensate irreplaceable habitat as specified in the earlier BGP.

### ++ Phased development

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<https://www.gov.uk/appeal-planning-decision>.

Yours faithfully

Supporting Communities Directorate