

71-73 Torriano Avenue



Reproduced by permission of Ordnance Survey on behalf of HMSO.
© Crown copyright and database right 2012.
Ordnance Survey Licence number 100019726.

Scale 1/1250 Date 4/10/2013

Centre = 529549 E 185148 N

Photos of Site and surroundings



71-73 Torriano Avenue



71-73 Torriano Avenue in context of adjoining properties



Neighbouring property (65-67 Torriano Avenue) with uPVC windows



View towards Leighton Road: 81 Torriano Avenue (next to the corner property) has uPVC windows



View of Barn Close with uPVC windows (opposite side of Torriano Avenue)



View of the pre-existing Crittall windows at 1st floor and timber windows and 2nd floor (from archive)

Delegated Report (Members Briefing)		Expiry Date:	16/10/2013	Officer:	David Peres Da Costa
Application Address	Application Number(s)	1st Signature		2nd Signature	
71-73 Torriano Avenue London NW5 2SG	2013/5165/P				
Proposal(s)					
Installation of replacement uPVC windows at first and second floors to front and rear of flats (Class C3).					
Recommendation(s):	Grant planning permission				
Application Type:	Full planning permission				
Consultations	Date advertised	21 days elapsed		Date posted	21 days elapsed
Press notice	n/a		Site notice	n/a	
	Date sent	21 days elapsed	# Notified	# Responses	# Objections
Adjoining Occupier letters	22/8/13	12/9/13	10	1	1
Consultation responses (including CAACs):	<p>Cllr Hayward: I don't understand why we'd condition the materials and then not apply the conditions? The PVC windows look nothing like metal crittal and really stand out against the rest of the features – it looks awful – which is presumably why we felt a materials condition was appropriate. This determination would simply say to other developers, ignore conditions, apply retrospectively and it'll be fine. The look of the pub and its impact on the streetscape was a key factor in some of the controversy surrounding the application. I think we should refuse this because we should expect developers to comply with our conditions unless there is a genuinely unforeseen reason why they can't.</p> <p><i>Officer's comment: please see assessment of the window's material in paragraphs 2.2-2.5 and discussion of the condition in paragraph 3.1 below.</i></p>				
Site Description					
The site is a two storey mid-terrace property (with mansard roof extension) on the west side of Torriano Avenue. It is not in a conservation area (nor is it listed). The property has a pub at ground floor level with flats above.					

Relevant History

2008/2678/P: Change of use and works of conversion of the 1st and 2nd floors from accommodation ancillary to the public house into two self contained flats; creation of a top floor roof terrace and associated staircase access enclosure; demolition of existing rear extension and replacement with basement and ground floor partial width rear extension. Refused 16/10/2008 Appeal allowed 11/06/2009

2011/5533/P: Renewal of planning permission granted on appeal dated 11/06/2009 (ref. APP/X5210/A/08/2089549 & 2008/2678/P) for the change of use and works of conversion of the 1st and 2nd floors from accommodation ancillary to the public house into two self contained flats; creation of a top floor roof terrace and associated staircase access enclosure; demolition of existing rear extension and replacement with basement and ground floor partial width rear extension. Granted Subject to a Section 106 Legal Agreement 16/07/2012

Includes condition (3): No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extensions and modifications hereby permitted have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include a sample panel of the cladding to be used on the rear extension, roof terrace access hatch and refuse store (or, if different, a sample panel for each cladding proposed). The panel(s) shall be provided and retained on site until the works associated with that sample have been completed. Development shall be carried out in accordance with the approved details.

EN13/0792: uPVC windows have been installed at the front of the property. Case created 12/07/2013 and is ongoing.

Relevant policies

LDF Core Strategy and Development Policies

CS1 (Distribution of Growth)

CS5 (Managing the Impact of Growth and Development)

CS14 (Promoting High Quality Places and Conserving Our Heritage)

DP24 (Securing High Quality Design)

DP26 (Managing the Impact of Development on Occupiers and Neighbours)

Camden Planning Guidance 2011/13

NPPF 2012

London Plan 2011

Assessment

1. Proposal:

- 1.1 Consent is sought for the retention of replacement uPVC windows at 1st floor level and at mansard roof level on both the front and rear elevation. The proposed windows would be casement with small top lights.

2. Assessment:

2.1 Design

- 2.2 The existing building does not have an appearance consistent with the other buildings in the terrace. It has a more modern appearance (lacking period detailing) and the windows and floor levels do not line up with the adjoining buildings on either side. The pre-existing windows (which have been replaced) were mainly Crittall steel windows. The only exception being the second floor front dormer windows which were timber.

- 2.3 The Council's provides specific guidance on windows in Camden Planning Guidance CPG1 Design. Where it is necessary to alter or replace windows that are original or in the style of the originals, they should be replaced like with like wherever possible in order to preserve the character of the property and the surrounding area. New windows should match the originals as closely as possible in terms of type, glazing patterns and proportions (including the shape, size and placement of glazing bars), opening method, materials and finishes, detailing and the overall size of the window opening.

- 2.4 It is not clear whether the replaced Crittall windows were original (or in the style of the original) as this property does not have a consistent appearance with the neighbouring properties in the terrace. Given the building's existing appearance it is not considered appropriate to require replacement Crittall windows. The uPVC windows, whilst not generally encouraged, are acceptable in this instance. The uPVC windows match the previous Crittall windows in terms of type (casement), glazing patterns and proportions and overall size of the window opening. The detailed design of the uPVC windows is slightly different from the previous Crittall windows. These small differences are not considered to significantly affect the appearance of the host property and are therefore acceptable.

- 2.5 It is noted that nearby properties have uPVC windows: 65-67 and 81 Torriano Avenue. On the opposite of Torriano Avenue, Barn Close, a post war housing block, has uPVC windows, as do the other blocks on the Torriano estate. These were granted planning permission (ref PE9900096) in March 1999.

3. Condition 3 of planning permission 2011/5533/P

- 3.1 The renewal of planning permission (ref: 2011/5533/P) granted on 16/07/2012 (*for the change of use and works of conversion of the 1st and 2nd floors from accommodation ancillary to the public house into two self contained flats*) includes a condition requiring details of the materials to be submitted for approval. Condition three specifies that it applies to the materials to be used in the construction of the external surfaces of the extensions and modifications hereby permitted. The windows were not expressly covered by this condition as they do not form part of the rear extension or modifications (roof terrace and associated staircase access enclosure) permitted by this consent. Therefore whilst the installation of replacement windows is a breach of planning which the current application seeks to resolve, they are not in breach of condition 3 of the planning permission referred to above. There is an ongoing enforcement investigation (EN13/0792) into the site which will investigate whether this condition has been complied with.

Recommendation: Grant planning permission

DISCLAIMER

Decision route to be decided by nominated members on *14th October 2013*. For further information please go to www.camden.gov.uk and search for 'members briefing'

Cubit Consulting Limited
23 Clerkenwell Close
London
EC1R 0AA

Tel 020 7974 4444
Fax 020 7974 1930
Textlink 020 7974 6866

planning@camden.gov.uk
www.camden.gov.uk/planning

Application Ref: **2013/5165/P**
Please ask for: **David Peres Da Costa**
Telephone: 020 7974 **5262**

10 October 2013

Dear Sir/Madam

DRAFT
DECISION

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) Order 2010
Town and Country Planning (Applications) Regulations 1988

Full Planning Permission Granted

Address:
71-73 Torriano Avenue
London
NW5 2SG

DECISION

Proposal:
Retention of replacement uPVC windows at first and second floors to front and rear of flats (Class C3).
Drawing Nos: Site location plan; 0003/1; 004/1.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Conditions and Reasons:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; 0003/1; 004/1.

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

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully

Culture and Environment Directorate
(Duly authorised by the Council to sign this document)

DRAFT

DECISION