

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>09/07/2014</b>
		N/A		<b>Consultation Expiry Date:</b>	<b>09/06/2014</b>
<b>Officer</b>			<b>Application Number(s)</b>		
Christopher Heather			2014/2700/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
57B Torriano Avenue London NW5 2SJ			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>					
Erection of 2 storey 2 bed dwelling house to rear, and conversion of existing 3 bed maisonette into 2 x2 bed self-contained flats, including the erection of 2 storey rear extension with roof terrace.					
<b>Recommendation(s):</b>		Refuse planning permission			
<b>Application Type:</b>		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	04	No. of responses	11	No. of objections	11
			No. electronic	08		
Summary of consultation responses:	<p><i>Conservation and design</i></p> <ul style="list-style-type: none"><li>• The proposal is over development as it would cover the entire site.</li><li>• The unbuilt space on the site is important in the townscape character and so any work on site should be restricted to the extent of the existing rear extension.</li><li>• The proposal is contrary to advice within the Conservation Area Appraisal and Management Strategy in regard to affecting the leafy and semi-rural character of Torriano Cottages, that there should be a high standard of external space, and that the infilling of back gardens is a threat to the conservation area.</li><li>• Part of the character of Torriano Cottages is that the houses are set back, mostly behind foliage, walls and fences. No other property has its main door or windows immediately adjacent to the road</li></ul> <p><i>Quality of the resulting residential accommodation</i></p> <ul style="list-style-type: none"><li>• The windows of the property would be entirely north facing, which is poor and would create inadequate living conditions.</li><li>• Bedroom windows at ground floor level would open directly onto the street, creating a poor quality living space and a poor relationship with the street.</li></ul> <p><i>Neighbouring amenity</i></p> <ul style="list-style-type: none"><li>• There would be unacceptable construction impacts on neighbours.</li><li>• Provision of doors and windows in the wall on Torriano Cottages and the proposed roof terrace would result in a noisy environment.</li><li>• The upper windows would overlook neighbouring properties.</li></ul> <p><i>Highways and transportation</i></p> <ul style="list-style-type: none"><li>• Torriano Cottages are not public highway and the property with the proposed development has no legally established right of access from the Cottages.</li><li>• Two doors would open out onto Torriano Cottages.</li><li>• Torriano Cottages is narrow with congested parking and the development will make this worse. There is only just room for vans and small lorries and emergency vehicles to pass, with great care.</li><li>• There is already a problem with 59a and 59b Torriano Avenue where there are side doors onto the street and where bins are kept. It is likely that occupiers of the development would place refuse on the street rather than a dedicated storage space.</li><li>• Vehicular access, including for emergency vehicles, would be restricted during construction.</li><li>• Access should continue to be from the public highway.</li><li>• Vehicle access needs to be maintained from both Leighton Road and Torriano Avenue.</li><li>• Some vehicles park in front of the wall where it is proposed for the new development to be sited. The proposal would increase the demand for car parking at the same time as reducing the space. Refuse and delivery vehicles use the area to wait as they cannot proceed further.</li><li>• There is no footway which would make it unsafe for people leaving their house.</li><li>• No cycle provision is proposed.</li></ul>					

	<p><i>Trees and landscaping</i></p> <ul style="list-style-type: none"> <li>• There are substantial flowering trees/shrubs overhanging the wall to Torriano Cottages which contribute to the rural character of the cottages noted in the Conservation Area Plan.</li> </ul> <p><i>Other matters</i></p> <ul style="list-style-type: none"> <li>• Surprised at not having been consulted along with the Torriano Cottages Residents' Association (who carry out repairs of the street and manage parking). Do not consider that adequate consultation has been carried out.</li> <li>• Question whether the proximity across Torriano Cottages is compatible with requirements to prevent the spread of flame when measured at the centreline of the carriageway.</li> <li>• The drawings are inaccurate with the actual boundary being further west so creating a greater impact on neighbours.</li> <li>• The sewerage system often struggles to cope with the current output, and rain water can collect and cause flooding. The proposal could make this worse.</li> <li>• The property has no right of access over Torriano Cottages.</li> <li>•</li> </ul>
CAAC	<p><i>Kentish Town and Bartholomew</i></p> <ul style="list-style-type: none"> <li>• The proposal would be clearly seen from the conservation area and the access would be from the Torriano Cottages, which is within the conservation area. The proposal would be detrimental to the conservation area due to the loss of garden space given that it appears to take up all of number 57, and will lead to a potential loss of garden trees which enhance the area. The number of windows will cause a loss of privacy to residents of Torriano Cottages. The proposal represents overdevelopment.</li> </ul>

## Site Description

The site is an area to the rear of 57 Torriano Avenue, which is a four storey building containing residential flats. On the opposite side of Torriano Avenue is a residential block forming part of a wider estate. Immediately to the south of the site is a school. To the north is Torriano Cottages, an unadopted highway, bends its way to Leighton Road. The properties are a mixture of two and three storey buildings which are brock cottages. There are some more modern additions immediately to the west of the site.

The site is not a listed building and does not fall within a conservation area. However, the Kentish Town Conservation Area boundary is a short distance down Torriano Cottages.

## Relevant History

**February 2012:** Planning permission (ref: 2011/0682/P) granted subject to a section 106 legal agreement for “Change of use and conversion of a 3 bedroom self-contained flat into 2 x 2 bedroom self-contained units at lower and upper ground floors; erection of rear extension at upper ground floor level with creation of roof terraces at upper ground and first floor levels; window alterations and new access to rear from lower ground floor flat (Class C3)”.

**March 1984:** Planning permission (ref: 8400259) granted for “Change of use and works of conversion including alterations at roof level to provide 2 self-contained maisonettes”

In addition, the following planning history at other sites is considered relevant:

**August 2012:** Planning permission (ref: 2012/3119/P) refused for “Erection of a mansard roof extension to residential property (Class C3)” at **59 Torriano Avenue**. An appeal was subsequently dismissed in **October 2013**.

## Relevant policies

### National and Regional Policy

National Planning Policy Framework (2012)  
London Plan (2011)

### CORE STRATEGY

CS1 (Distribution of growth)  
CS4 (Areas of more limited change)  
CS5 (Managing the impact of growth and development)  
CS6 (Providing quality homes)  
CS10 (Supporting community facilities and services)  
CS11 (Promoting sustainable and efficient travel)  
CS13 (Tackling climate change through promoting higher environmental standards)  
CS14 (Promoting high quality places and conserving our heritage)  
CS15 (Protecting and improving our parks and open spaces and encouraging Biodiversity)  
CS17 (Making Camden a safer place)  
CS18 (Dealing with our waste and encouraging recycling)  
CS19 (Delivering and monitoring the Core Strategy)

### DEVELOPMENT POLICIES

DP2 (Making full use of Camden’s capacity for housing)  
DP5 (Homes of different sizes)  
DP6 (Lifetime homes and wheelchair homes)  
DP16 (The transport implications of development)  
DP17 (Walking, cycling and public transport)  
DP18 (Parking standards and limiting the availability of car parking)  
DP19 (Managing the impact of parking)  
DP21 (Development connecting to the highway network)

DP22 (Promoting sustainable design and construction)  
DP23 (Water)  
DP24 (Securing high quality design)  
DP25 (Conserving Camden's heritage)  
DP26 (Managing the impact of development on occupiers and neighbours)  
DP28 (Noise and vibration)  
DP31 (Provision of, and improvements to, open space, sport and recreation)

### **Camden Planning Guidance**

CPG 1 Design – sections 1-4  
CPG 2 Housing – sections 1, 4, and 5  
CPG 3 Sustainability – sections 1 and 9  
CPG 6 Amenity– sections 1, 4, 6, and 7  
CPG 7 Transport – sections 1, 5, 9  
CPG 8 Planning obligations – sections 1, and 3

Kentish Town Conservation Area Appraisal and Management Strategy (CAAMS)

## **Assessment**

### **Proposal**

The proposal is to construct a first floor rear extension on the existing building at 57 Torriano Avenue. The existing three bedroom unit which makes up the lower two floors would be sub-divided to create a two bedroom flat on each floor. A door and windows would be added to the side elevation. Part of the existing unit would also become part of a dwellinghouse to be constructed at the rear of the site. This would be two storeys and would contain 2 bedrooms. It would be accessed from Torriano Cottages.

The principal considerations material to the determination of this application are summarised as follows:

- **Land Use**
- **Conservation and design**
- **Quality of the resulting residential accommodation (including Lifetime Homes and housing mix)**
- **Neighbouring amenity**
- **Highways and transportation**
- **Trees and landscaping**
- **Planning obligations / Section 106**

### **Land Use**

Policy CS6 is supportive of additional residential units being provided. The proposal would result in an additional two units which is supported as a general principle. However, the detail of them is important and is assessed below in the section on *Quality of the resulting residential accommodation*.

### **Conservation and design**

Policies CS5, DP24 and DP25 are relevant as is CPG1 and the CAAMS. It is important to note that the site itself is not within a conservation area but is immediately adjacent to the Kentish Town Conservation Area. The development is essentially made up of two forms: there is an extension to the rear of the existing property and the new dwelling. There are also alterations to the elevations of the existing building.

The CAAMS notes that Torriano Cottages is “surprising and ad hoc, being hidden from the main streets...” and “...the cottages are linked by a winding un-metalled private road and are set in leafy gardens with an almost rural setting” (section 5.1). The character is based on the winding unmade road and the original cottages are built of stock bricks set in lush vegetation. The plot sizes are varied, resulting in different designs of properties, resulting in a semi-rural landscape. The cottages are generally two storeys in height, modest in size and detailing. There have been some infill sites where buildings have been erected in the 1960s and 1970s which contrast with the historic properties. Most of the buildings are considered to make a positive contribution. The CAAMS also notes that incremental intensity of residential use is an issue within the conservation area, noting the infilling of back gardens, and the capacity for new development is considered to be low (section 6). Whilst the site is not within the conservation area there is a direct relationship with it. The unmade road starts at

Torriano Avenue and it is at this point that the change in character is apparent, even if the boundary is to the west.

In 2012 planning permission was granted for a rear extension and there are similarities between this and the extension to the existing property now proposed. In isolation this element would not appear objectionable, even with a balustrade at second floor level which did not feature in 2012. The extension then was considered proportional to the building. As now proposed it is smaller and the height remains below the eaves of the main building. However, it is abutted by the proposed dwellinghouse so resulting in a disproportionate addition to 57 Torriano Avenue. CPG1 advises that extensions should be subordinate to the original building in terms of scale and association. An objection notes that most properties in Torriano Cottages are set back with foliage, fences and walls separating them from the street itself. In streetscape terms there is already a high wall there, which is a consideration, and so it is not considered that the position of the building in relation to the street is objectionable in isolation. However, there is not considered to be a justification for extending the building in such a manner, and its height does increase its presence in the streetscene. Whilst the drawings suggest that there would be differentiation between the existing render and London stock brick this would not alter the perception that it is a disproportionate extension. The overall effect would still be a much larger building that is there now.

Section 4 of CPG1 includes advice on development in rear gardens. Even though the rear garden is not large or particularly attractive the proposal is still within the rear garden as well as being an extension to the existing building. It notes that development should have a minimal visual impact on, and be visually subordinate to, the host garden. The proposal would cover the vast majority of the site, leaving approximately 5sqm open, which would be surrounded by walls and partly used as a bin store. There would be no opportunity to introduce landscaping, which is a feature of this part of the conservation area. This is considered unacceptable.

It is important to note that the existing building principally address Torriano Avenue: the building presents a side wall with some windows to the conservation area. When entering Torriano Cottages the viewer walks between the two buildings and the character then changes. The proposal would change this emphasis with a new unit facing Torriano Cottages, a second front door added and a number of windows. This means that the proposal has a much greater relationship with the conservation area, even though it remains outside of it. The proposal would bring the character of Torriano Avenue into Torriano Cottages, to the detriment to the character and appearance of the conservation area.

Notwithstanding these fundamental concerns the detail of the proposal is less objectionable. The materials proposed would reflect those nearby. Stock bricks, stucco, slate and timber windows are proposed, all of which are considered acceptable.

#### **Quality of the resulting residential accommodation (including Lifetime Homes and housing mix)**

Policy CS6 concerns the quality of residential accommodation, and is supplemented by CPG2. In addition, policies CS18 relating to waste and DP17 relating to cycling are also relevant.

Comparing the size of the units to the standards within both CPG2 and the London Plan 2011 it is clear that the unit created at the lower ground floor unit of the existing building would fall some way short of the required minimum size standards. The unit appears to have been put forward as a 2 bedroom 3 person unit, and should measure 61sqm. However it is approximately 43sqm, quite a considerable discrepancy. Even if it were to be considered a 2 person unit it falls below the 48sqm minimum. The layout is broadly logical, but with a bedroom that would be barely usable due to size and the window openings onto Torriano Cottages itself. It would have more than one aspect but it is far from ideal to have most of the windows opening out onto a highway, albeit not an adopted one. This would suggest that privacy could be affected, and there could be noise to bedroom 2. There would be a small yard area to the rear which would provide some amenity space. However, given that it would be approximately 3sqm and that there would be a bin store immediately to the rear its usefulness would be limited. There would be no dedicated refuse and cycling storage within the flat, but the area in front of the property does offer the potential for this. It had been suggested that the layout of the flat could be altered to move one of the bedrooms to the rear of the property. Whilst this may have been an improvement it would not have addressed all of the issues highlighted, and in any event formal revisions have not been received. There is no assessment of lifetime homes as part of the planning application. It is not considered that the lower floor level unit could fully accord given that it is a conversion so this is on balance considered acceptable.

The unit above would be 50sqm, and it is debateable whether or not it is a 2 bedroom unit for 2 or 3 persons. Within CPG2 the standard for a two person unit is 48sqm, and for a 3 person unit is 61sqm. Within the London Plan 2011 the standard for a 2 bedroom 3 person flat is 61sqm. A 1 bedroom 2 person unit is 50sqm, and whilst that is not what this appears to be it is closest to it. Defining the number of persons that a unit can accommodate is a function of the size of the bedrooms. Technically, bedroom 1 is a one person room as it is 10.9sqm, less than the 11sqm which would make it a 2 person unit. Whilst the unit is considered small it is on balance considered acceptable in terms of size. The layout is logical and there would be good outlook. There would be no amenity space but this in itself is not considered to be a reason for refusal. The front area could also be used as storage space for cycles and refuse. The same conclusion is reached on lifetime homes as for the unit at lower ground floor level.

It is noted that the existing unit is a 3 bedroom unit. Having visited it the standard of accommodation is reasonable, although one of the bedrooms is very small. There is access to the rear which is an area of hard surfacing. Therefore, the unit is not such that its loss could mitigate the problems highlighted for the proposed unit at ground floor level, and even the other unit is only just considered acceptable. In 2012 planning permission was granted for a conversion to two 2 bedroom units. The units were 53 and 55sqm, so larger than is now proposed. Hence there is no inconsistency between then and now.

The new unit which is proposed to be constructed to the rear would be a 2 bedroom 3 person *house*. There is no standard within the London Plan 2011 for this type of property, although a 2 bedroom 3 person *flat* should be 61sqm. The London Interim Housing Design Guide, which has clearly fed into the London Plan standards says that it should be 77sqm. CPG2 advises that a 3 person unit should be 61sqm, but makes no distinction between a flat and a house, and the latter would logically need to be bigger to account for greater circulation space (principally stairs and landing). The unit would be a little over 57sqm and so does not accord with any of the potential standards highlighted. It would be single aspect (north-north west facing) and opening out on to Torriano Cottages, with the same issues of outlook and privacy that are highlighted above. The layout is logical, but its small size makes it appear very cramped. There is dedicated bin storage, and whilst there is an objection on the basis that it would not be used in practice there is no reason to think that this will be the case. There is no amenity space, but it is not clear that this could be achieved. The same applies to cycle storage. The applicant had suggested that the unit could be enlarged by bringing the front boundary forward. However, no formal drawings have been submitted and this would have had a knock-on impact on other issues as well. Therefore, it has been determined on the basis of the originally submitted drawings. The unit would be a new build and so should achieve lifetime homes. It does need to be acknowledged that Torriano Cottages is unadopted so does not have a pavement or an entirely smooth surface. Nevertheless once inside there is no reason why most of the criteria could not be achieved, and failure to do so is objected to.

The 3 units proposed are all put forward as 2 bedroom units, which is the highest priority in policy DP5. Despite the concerns about the quality of the accommodation, with the implication that an acceptable scheme may need to have smaller units, it is nevertheless considered that the mix is acceptable.

### **Neighbouring amenity**

Policies CS5 and DP26 are of relevance, as is CPG6. Introducing further residential accommodation in this location would be broadly compatible with the area. Objections suggest that the additional windows and doors in the side wall and the roof terrace would cause a noisy environment. However, the use would be compatible and there is no reason to consider that this particular arrangement would result in noise over and above any other residential unit. The terrace would be at second floor level but there are other examples of this elsewhere in Torriano Avenue. It would not be large (less than 7sqm) and so could not be used by a large number of persons.

Following on from this no views would be possible from the terrace into 59 Torriano Avenue: there are no windows in the side elevation and the closet wing extension blocks views past it to windows beyond. A school is to the south. No objection has been received from them and whilst views would be possible in this direction there is no reason to think that this will be problematic. The distance from the terrace to 33 Torriano Cottages appears slightly less than 18m. However, the angle is such that opportunities for overlooking would be practically nil. From the windows proposed for the side elevation of the existing building the view would be of the side wall of number 59 where no windows would be affected. The potential for overlooking from the windows of the new dwelling is limited to the upper floor. There would be some glimpses into the rear gardens of other properties, but this would not be untypical, and the windows would be at right angles to those in the

rears of properties on Torriano Avenue. There is some potential for overlooking to 33 Torriano Cottages, but this would be at an oblique angle and restricted to the bathroom which could have an obscured window. Therefore, whilst the arrangement is tight it is considered not to be detrimental to neighbouring properties.

The proposal would not detrimentally impact daylight and sunlight received given the orientation and position of the existing properties in relation to the proposed dwelling. Construction impacts could cause nuisance to neighbours, given the scale of the proposal and the proximity to neighbours. A Construction Management Plan (CMP) would be required in order to mitigate these impacts as far as possible. This matter is dealt with further in the following section.

### **Highways and transportation**

Policies CS11, DP16, DP17 DP18, and DP21 are of relevance. Torriano Cottages is not a public highway, and objections concern a number of issues. Concern has been raised by neighbours and they are in relation to the new dwelling and the proposed lower unit which would open out onto Torriano Cottages. They note that the property has no legally established right of access over Torriano Cottages, and that this is particularly important given that front doors would be directly onto it. It is not considered that this constitutes a reason for refusal. It is certainly a practical issue that would need to be addressed in the event that planning permission was granted. However, this would fall outside of the planning system and would require agreement with the relevant parties, which may be possible.

Concern also centres on existing congestion, who currently parks in Torriano Cottages and how the proposal would alter this. Some cars currently park in front of the wall which would be partly demolished, and so would either not be able to park there or would be parking right in front of the proposed unit. The former would broadly be in keeping with planning policy to discourage private journeys, whilst the latter could have a detrimental impact on the quality of the proposed unit (although arguably no greater than would exist by people walking right past the windows anyway). However, the same principle applies as above and it would be for the various parties to agree on a solution that affects private land.

Despite being private there is a need to ensure that the proposal does not result in danger for pedestrians or vehicles. There is no pavement but Torriano Cottages is not heavily trafficked and given that it is not surfaced to the standard of an adopted highway it is not considered that vehicles could drive at speed. The road is relatively narrow, but the proposal would not make this any worse as the new dwelling would be no further forward than the existing wall. It would appear that there is little through traffic in the mews with the vast majority actually visiting one of the properties. The proposal would have two doors opening out onto Torriano Cottages, and there is no pavement. Given the character of the road and the traffic it is not considered that this would represent a significant risk to future occupiers, nor would it affect existing occupiers and there is no reason to think that future occupiers would not be aware of vehicles, or that drivers would not be aware of these doors and the potential for people to be leaving their homes.

A concern has been raised that refuse would be left on Torriano Cottages, and the suggestion is that residents of 59a and 59b do this already which causes problems. The proposed unit would have dedicated storage space and whilst there can be no guarantee that it would be used, this equally applies to any storage space anywhere in the borough. Providing it is as much as an applicant can do and it is not possible to completely control the actions of future occupiers.

Concerns have also been expressed about vehicular access during construction. If planning permission were to be granted then it is possible that some disruption would occur. This is an inevitable consequence of development and it is not considered possible to address this completely. A Construction Management Plan would appear to be justified in this instance given how close the site is to other residential properties. This would reduce the impact on the highway as well as neighbouring residents for the period of time that construction was taking place. Torriano Cottages is a through route from Torriano Avenue to Leighton Road so access would remain for residents, albeit restricted.

There is not considered to be any justification for all three proposed units to be eligible for on-street car parking permits. The site is within walking distance of Kentish Town and Tufnell Park Underground Stations, and there are a number of bus routes nearby including one on Torriano Avenue itself. It is acknowledged that if there is a legal right to park vehicles on private land then there is little the Council can do about this. However, it is important that the impact of the development is not made greater. It is also important to note that the existing



flats within 57 Torriano Avenue are entitled to permits, so the requirement for car free would principally be for the new dwelling and one of the flats. In the absence of an acceptable scheme (and hence no section 106 agreement) this becomes a reason for refusal.

### **Trees and landscaping**

Policy CS15 is relevant. Objections cite the loss of trees and shrubs which overhang the existing wall to Torriano Cottages. However, these have already been removed. Consent was not required for this to be done and so is not considered further.

### **Sustainability**

Policies CS13 and DP22 requires that development incorporates sustainable design and construction measures. For new dwellings the requirement is for them to meet Code for Sustainable Homes Level 4. No assessment has been provided to demonstrate that the new dwelling has been designed to accord with this, and so it is contrary to policy and becomes a reason for refusal.

DP22 advises that change of use of 500sqm of residential space or 5 or more units is required to achieve a rating of "very good" for BREEAM Refurbishment. The other units fall below this threshold.

### **Planning obligations / Section 106**

There are no obligations considered necessary in addition to those referred to above.

### **Other matters**

The proposal would add two units which falls beneath the threshold for affordable housing. A number of issues have been raised by neighbours. There is concern about the level of consultation that has taken place, but this has been done in accordance with agreed statutory practices. A query has been raised about whether or not the proposal is compatible with requirements to prevent the spread of flames across the highway. However, this is not considered a planning issue even if it is important that all other necessary consents are sought by the applicant. There is a suggestion that the drawings are inaccurate but are considered sufficient to make an assessment of the proposal. Concerns have been addressed about the ability of the sewerage system. This is clearly important but not something that would warrant a reason for refusal: infrastructure is a consideration but the application is only for one additional unit which is not considered to be a significant addition. There is the suggestion that there is no right of access over Torriano Cottages, and this has been addressed above.

### **Conclusion**

Whilst the introduction of residential units is compatible with the surrounding area there are a number of issues with the current proposal. It would be a disproportionate extension to the existing building and would result in almost complete site coverage. This is detrimental to the building and streetscene. It would also be detrimental to the adjacent conservation area, even though it sits just outside. The quality of the proposed accommodation within 2 of the units would be poor, although the impact on neighbours would be acceptable. A number of concerns were raised about the impact on the public highway, but these are not considered to be reasons for refusal. There are a number of issues which require there to be a section 106 agreement for them to be acceptable, and so in the absence of an acceptable scheme these become reasons for refusal, albeit that they could be resolved more easily than the other concerns.

**Recommendation:** Refuse planning permission