

Houses 101 Brecknock Road, London, N7 0DA

Appeal Design statement

The reasons for refusal are set out below and we address each point in terms of design

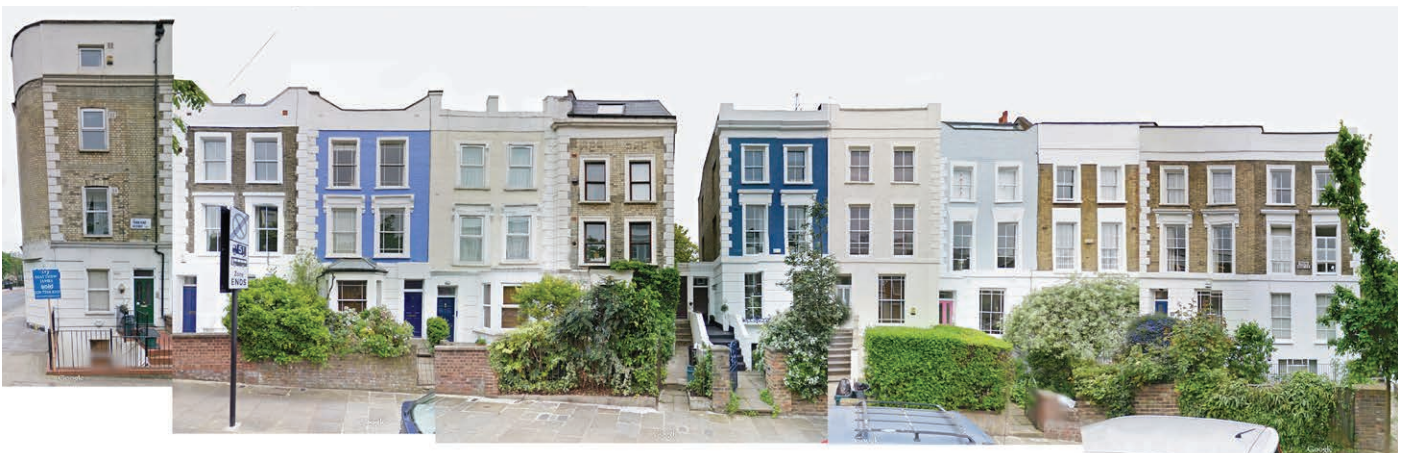
The Houses

Loss of the Garden to the public house as community space

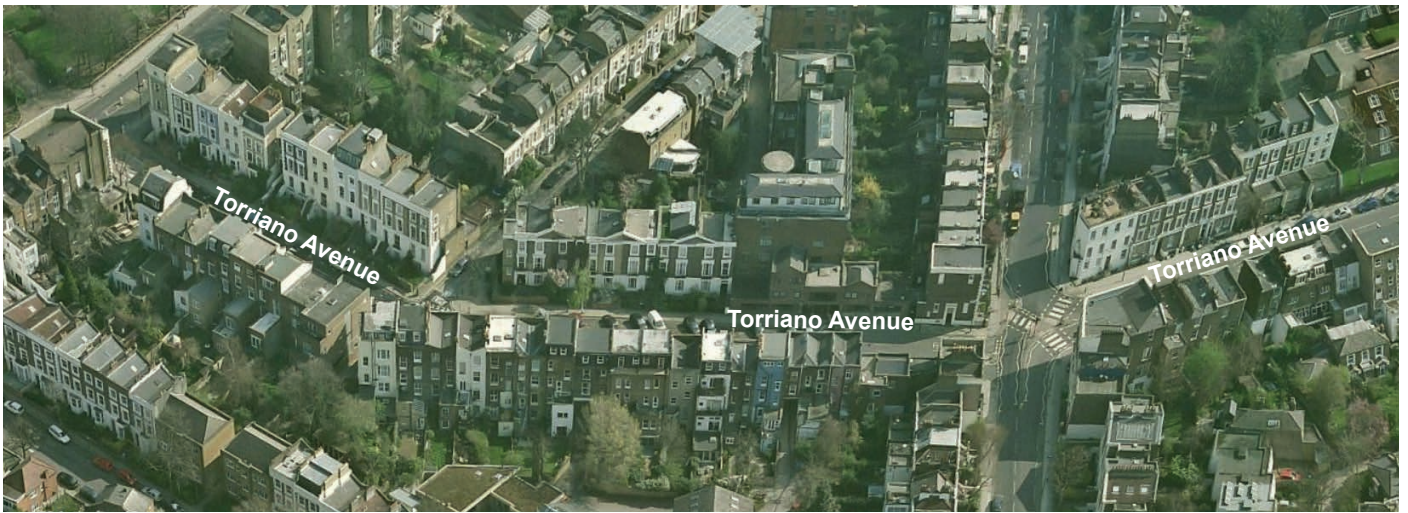
1 The proposed development of the site would result in the loss of an important townscape gap between the rear of the properties facing Brecknock Road and the flank of those facing Torriano Avenue that defines the historic urban grain, contrary to Core Strategy Policy CS14 (Promoting high quality spaces and conserving our heritage) and Development Policy DP24 (Securing high quality design) of Camden's adopted Local Development Framework 2010.

Case officers report 12th March 2015

6.3.4 With regard to the impact upon the established urban grain, the closing of the gap between buildings fronting Brecknock Road and those addressing the Torriano Avenue would certainly alter the original arrangement of the buildings. However, it is not considered that the alteration would be out of keeping with the general character of the area, which comprises 'closed' corners. Given that the site is not in any way designated as a heritage asset, there is some flexibility with regard to the urban grain, which can accommodate additions to the existing terraces without any harm to protected heritage assets. Indeed the original plan form of the area has been subject to change without undue harm to the townscape and general character of the area. However, the proposed arrangement of buildings has been slightly amended to allow for the quoins of 134 Torriano Avenue to remain exposed, whilst reflecting the stepped arrangement of buildings elsewhere in the area.



Terrace on the opposite side of Torriano Avenue facing the proposed site



Aerial view of Torriano Avenue



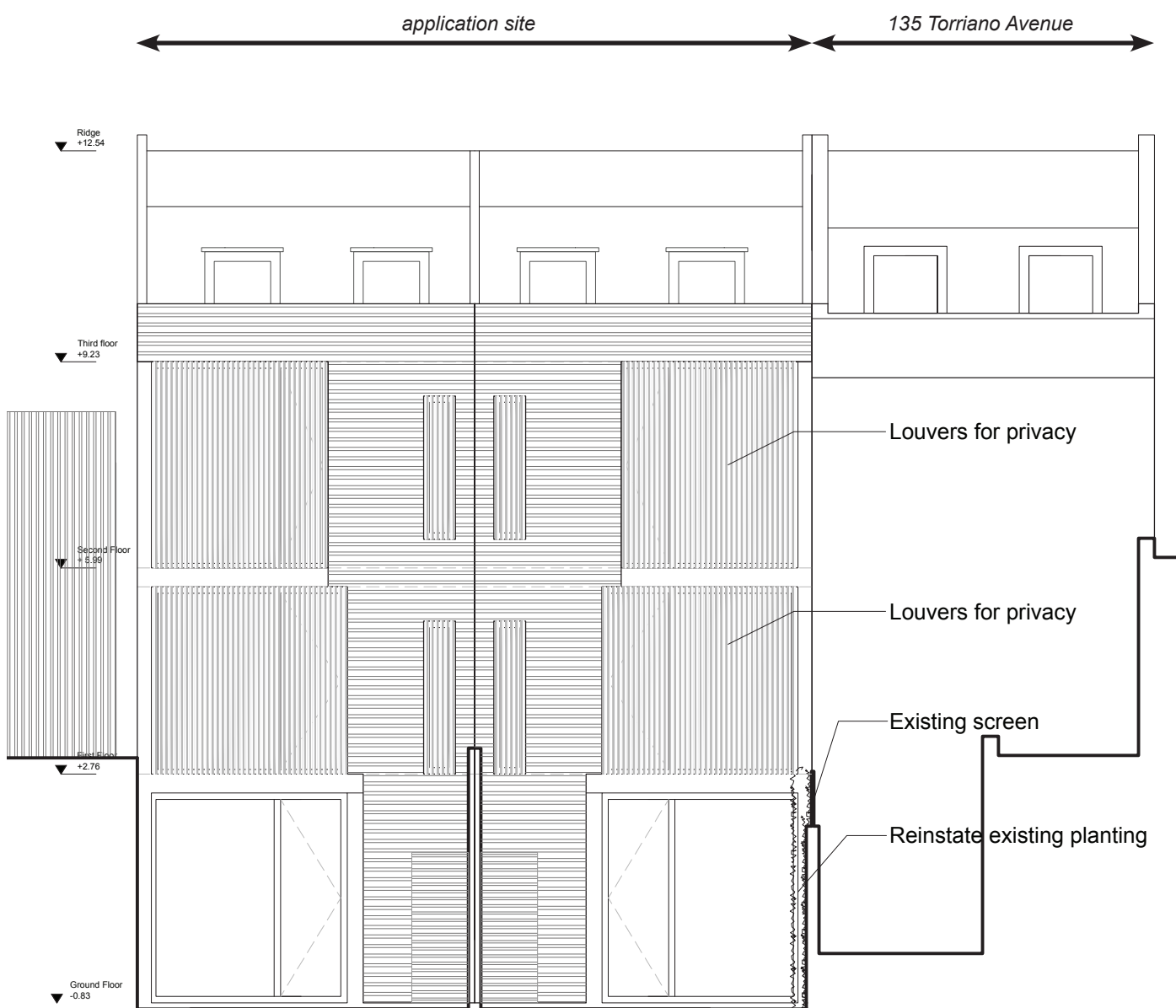
From an urban design point of view the gap between the building is in fact unusual in this local area. Indeed there is no gap directly opposite the application site on the opposite side of Torriano Avenue and the houses that exist here are of the same period as the rest of the street. These properties also sit slightly in front of the adjacent properties running along Torriano Avenue and create a narrowing of the built form towards the end of the street. This narrowing is repeated on the appeal side of the street and can be clearly seen at 134 Torriano Avenue which also sits in front of the typical building line. This would suggest that the narrowing of the street and the closing of street elevation was intentional as part of the layout for the street.

With this in mind, the infilling of the gap between the building would appear to have been considered at the time of the layout of the street and is wholly appropriate. Furthermore, the notion of the gap is not a typical feature for this area and the layout of local streets have very few if any gaps.

2 The rear windows on the proposed new houses would result in direct overlooking to a private habitable room to the rear of 135 Torriano Avenue and cause loss of privacy to the occupiers contrary to Core Strategy Policy CS5 (Managing the impact of growth and development) and Development Policy DP26 (Managing the impact of development on occupiers and neighbours) of Camden's adopted Local Development Framework 2010.

Case officers report 12th March 2015

6.4.1 The proposed houses would provide an outlook for its future occupants westwards across the rear gardens of properties in Brecknock Road and Leighton Grove. Upper floor windows would provide a view back towards the nearest of the neighbouring windows at upper floor flats in Brecknock Road, much the same as those adjacent to the site in Torriano Avenue. However, the view would be oblique and would not provide an intrusive view into neighbouring dwellings. Therefore neighbouring residential amenity would be adequately protected.



Proposed rear elevation with louvers on windows for privacy

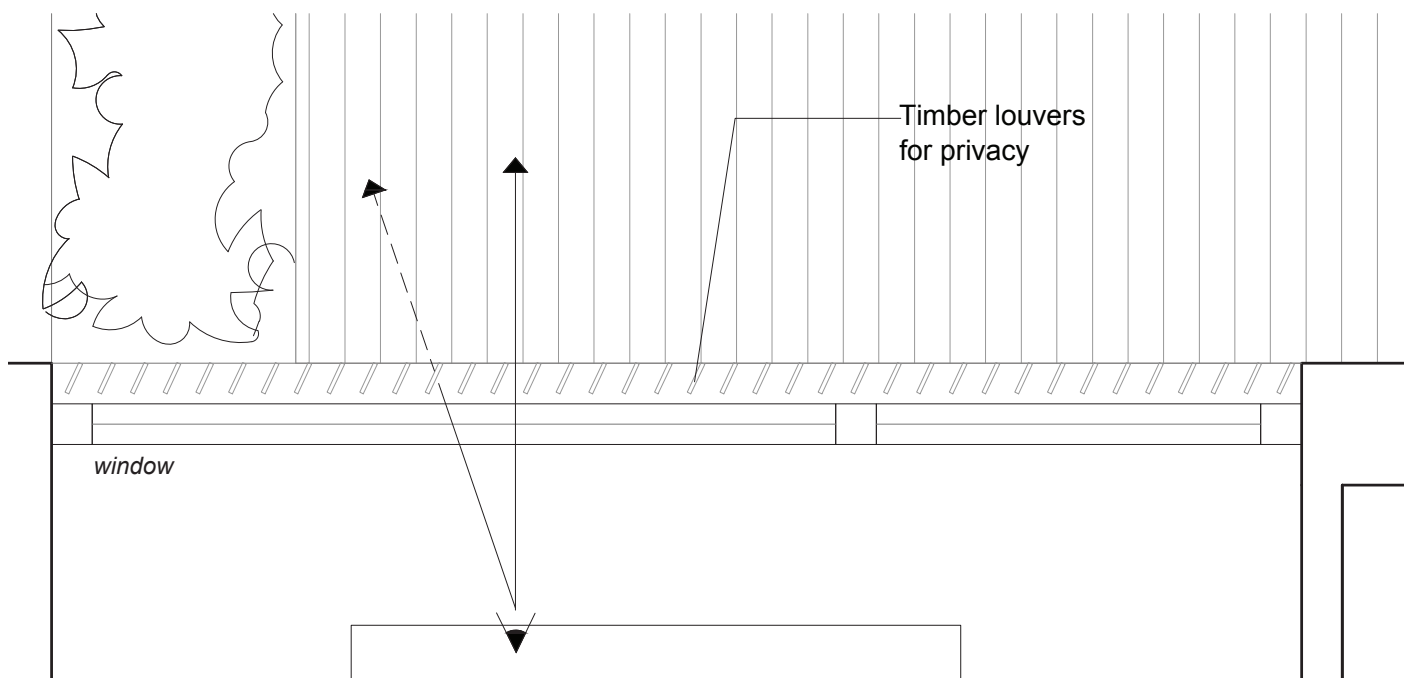
A late objection was received by the planning department on the afternoon of the Council committee meeting. This objection stated that the Council had failed in its statutory duty to evaluate the affect of the effect of the new development on the daylight and outlook on the adjacent property.

This late objection was not made available for the applicant to see until roughly 2 hours before the committee meeting. This gave no time for the Council, the applicant or the agent to reply to this claim and was only addressed at the Committee meeting.

When the question was put to the planning officer regarding the possible failing in statutory duty, the claim was flatly refuted and the planning officer confirmed that they were not concerned over this question in itself or that the new development would create any loss of daylight or over looking.

The attached floor plan of the ground floor for the adjacent property shows that the rooms within the rear extension are a passageway and kitchen. The passage way links the main part of the house to the kitchen and the kitchen has large full height patio doors addressing a small garden on the other side of the extension.

There are windows from this kitchen looking back towards the main rear elevation of the house onto the courtyard. There are also full height and full width bi-folding doors overlooking the rear garden. Subsequently the kitchen is lit by doors on the Garden and windows onto the courtyard. The affect of the new development to the courtyard is negligible and of no consequence to this room over walls. The full height and full width windows to the link passage will likewise not be affected and the passage link is not a habitable room therefore requires less daylight.



Proposed plan of louver detail

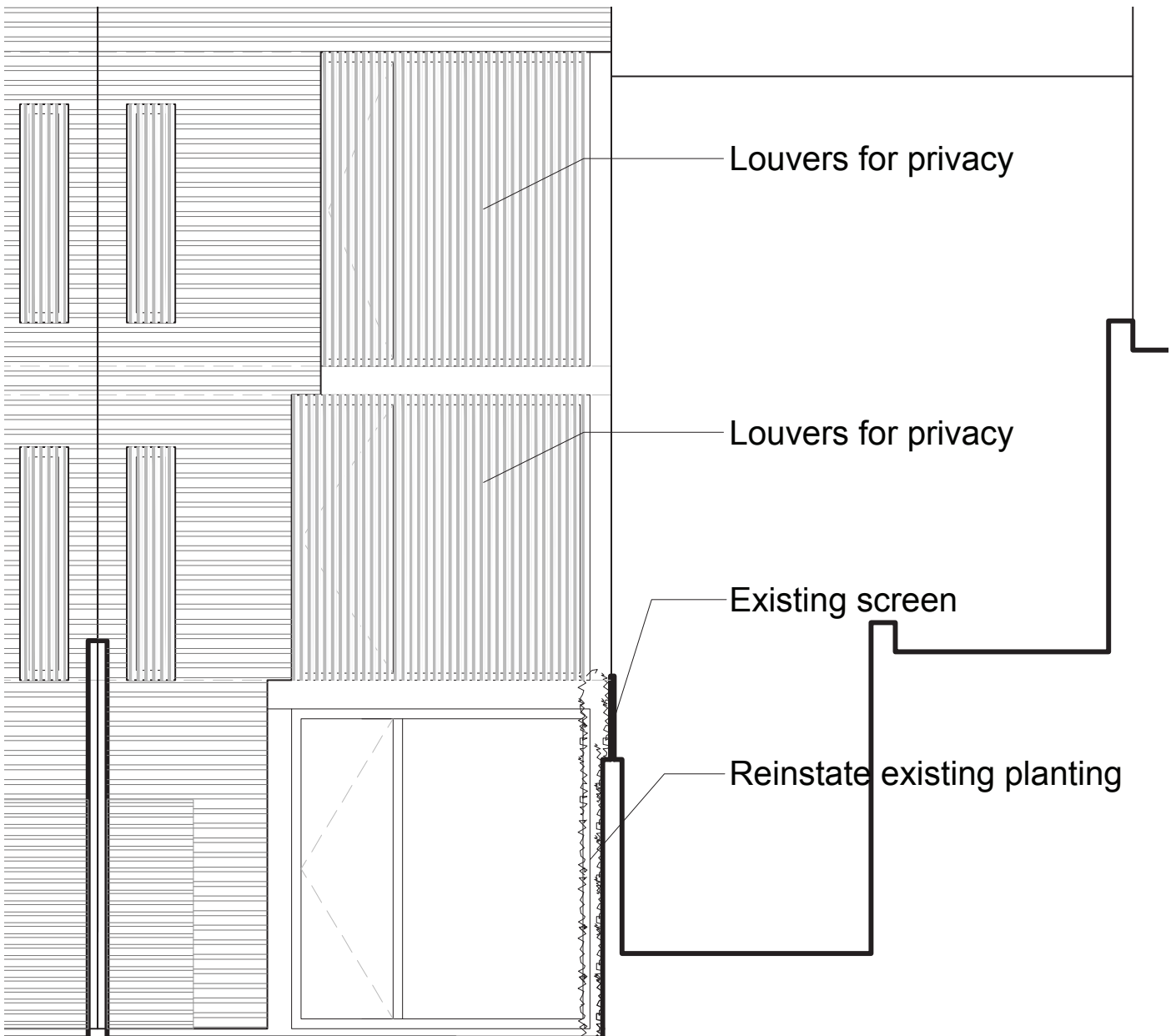
In addition to this and to totally prevent any overlooking at all, we show below a design solution that could be included in the detail of the rear elevation to the houses whereby vertical louvres fixed to the outside of the windows could be positioned with a fixed angle so that view could not be afforded at an angle to the window. This would in affect prevent any views or overlooking to the adjacent property. We ask that the appeal inspector consider this as a minor amendment to the appeal scheme and allow this detail to be included should the appeal be allowed.



Example of timber louver for privacy - external view



Example of timber louver for privacy - internal view



Proposed elevation of louver detail

3 Inadequate information has been submitted to adequately demonstrate that the proposed new houses would not cause a material loss of daylight and sunlight to the windows on the extension of 135 Torriano Avenue, which would result in a loss of amenity to the occupier contrary to Core Strategy Policy CS5 (Managing the impact of growth and development) and Development Policy DP26 (Managing the impact of development on occupiers and neighbours) of Camden's adopted Local Development Framework 2010.

Case officers report 12th March 2015

6.4.2 *The proposed houses would provide an outlook for its future occupants westwards across the rear gardens of properties in Brecknock Road and Leighton Grove. Upper floor windows would provide a view back towards the nearest of the neighbouring windows at upper floor flats in Brecknock Road, much the same as those adjacent to the site in Torriano Avenue. However, the view would be oblique and would not provide an intrusive view into neighbouring dwellings. Therefore neighbouring residential amenity would be adequately protected.*

The subsequent study carried out as part of this appeal confirms that no loss of light or overlooking occurs on the adjacent property. The room in question is the kitchen at the ground floor of [135 Torriano Avenue](#) and which encloses a small courtyard between the original main part of the house and the extension which is built between the two side boundary walls. Beyond the full width kitchen is a garden extending approximately 6 m to the boundary wall.

This is set out in more detail as part of the daylight consultants report attached as part of this application

4 The proposed new houses would result in the loss of external space associated with the existing public house which would cause additional activity, disturbance and obstruction in the street and prejudice the long term retention of the public house which is an important local community facility contrary to Core Strategy Policies CS10 (Supporting community facilities and services), CS11 (Promoting sustainable and efficient travel), CS5 (Managing the impact of growth and development) and Development Policies DP15 (Community and leisure uses) DP21 (Development connecting to the highway network), DP26 (Managing the impact of development on occupiers and neighbours) of Camden's adopted Local Development Framework 2010.

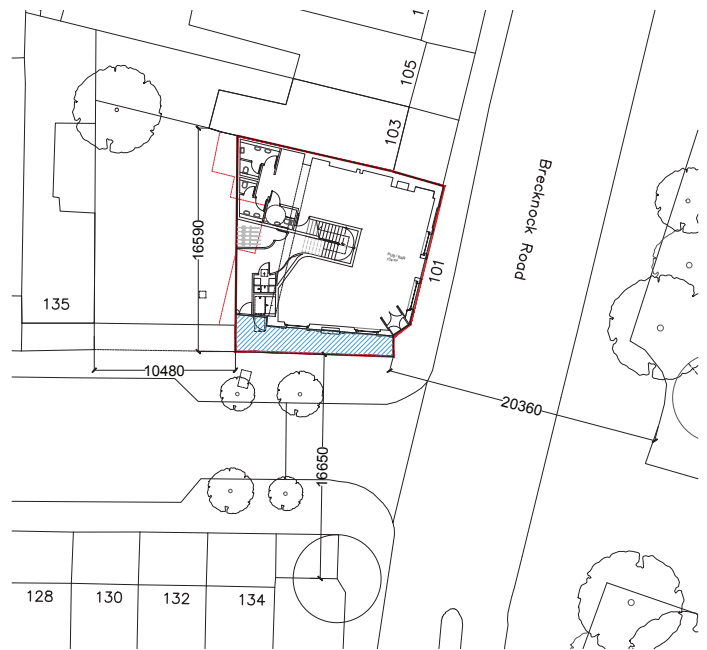
Case officers report 12th March 2015

The planning officers have considered the minor loss of commercial floor area and have concluded that this loss will have no affect on the future viability and continuing trading of the public house. Indeed the public house has been trading without the use of the garden for nearly 9 months and the pub is now running more effectively and efficiently without the garden. As stated within the application documents and statement of use from the landlord, the inclusion of the garden was a liability for the landlord and created a greater nuisance for the local community and directly contradicts the reasons for refusal given by the planning committee.

6.2.8 The relationship between the public house and the proposed residential units has been fully considered in assessing this application. The premises operate as a typical public house, the main thrust of which is the sale of alcohol to regular patrons. Sporadic events, including amplified music, are held within the bar area, but the premises is not known as a specialist music venue. With the advice of Environmental Health officers, it is considered necessary to impose conditions to ensure that sound insulation is suitably incorporated in the conversion works to protect future residential occupiers from any disturbance. The existing operation is not of particular concern, but it is considered necessary to ensure that any changes in the number and nature of events held at the pub would not give rise to noise disturbances. Officers are satisfied that, with the conditional controls recommended, the two uses can coexist without harm to each other.



Existing beer garden in rear in relationship to adjacent residential units



Proposed outdoor seating area in relationship to adjacent residential units



Pub in the vicinity with similar outdoor seating area - The Lion and Unicorn at 42-44 Gaisford Street, NW5 2ED

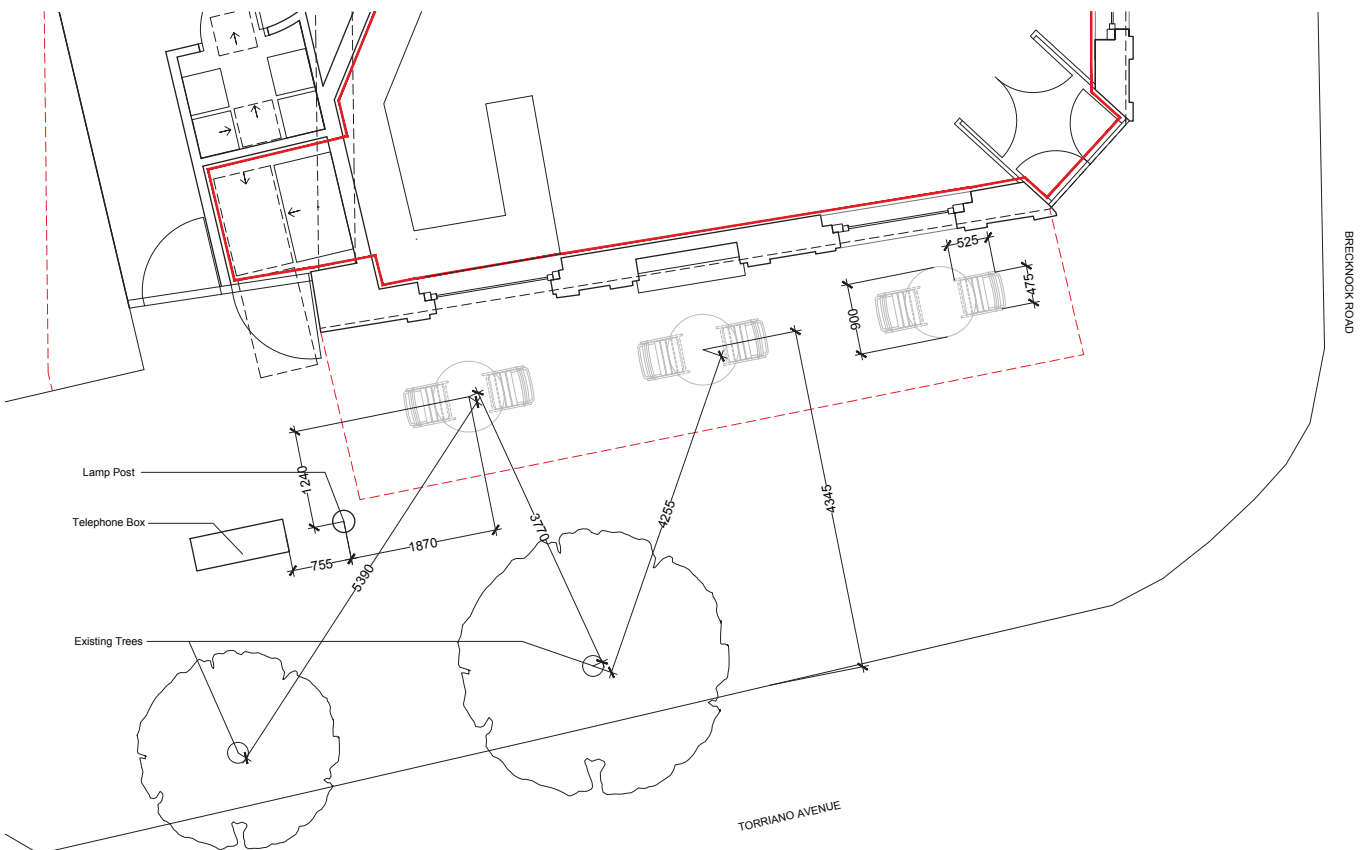


Pub in the vicinity with similar outdoor seating area - The Lord Stanley at 51 Camden Park Road, NW1 9BH

1.1.2 This development proposal, per se, would result in little change to the internal arrangement of the public house. As such, the pub would not be lost as a result of the proposed development. The proposed houses would occupy the existing pub garden space, thereby curtailing the available pub floor space by approximately 8 sqm. The resulting 305.9 sq m (GIA) would adequately provide for viable ongoing use of the premises as a pub.

1.1.3 It is understood that the pub garden has been in continuous use in relation to the pub operations until shortly preceding submission of the application. Information has been submitted by local residents to support the claim that the garden has been in use by patrons of the pub. However, submitted comments do not suggest that the loss of the garden would result in the inability for any community group to continue functioning. Taking all comments and information into account, the proposed loss of the pub garden would not result in the loss of any community use. The pub itself would remain, as would the availability of internal space for informal and social meetings. As such, the proposal is not contrary to the requirements of Policy DP 15 and is considered acceptable in this respect.

1.1.4 Further to the above consideration, officers in the Licensing team have confirmed that the Council has until very recently received complaints regarding use of the pub garden and the resulting disturbances to local residents. This supports the applicants claim that ongoing use of the pub garden has the potential for loss of amenity for existing residents and has a bearing on the viability of the pub, due to the requirement for additional staff to oversee use of the external areas in the interest of preventing disturbances for local residents.



Proposed outdoor seating area

In support of this, the appellant is seeking copies of these complaints under the Freedom of Information Act and will submit this information as part of the appeal documents when this information is available.

The licensee of the public house is currently seeking a license for out-door seating to provide up to 6 chairs and 3 tables. These will be situated on the land between the public house and the public highway on Torriano Avenue. The land is not registered as being owned by the public house or the local authority and does not appear to have been officially adopted by the local authority.

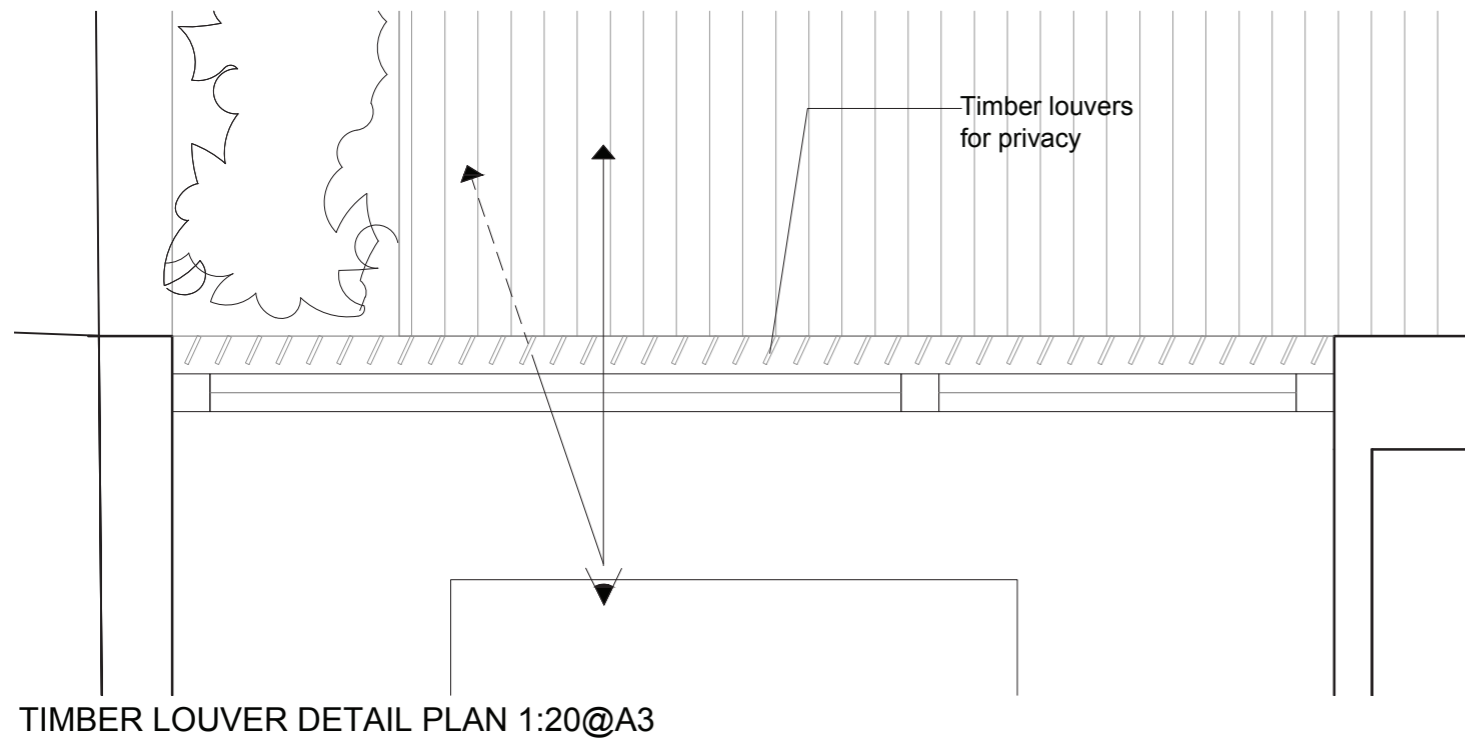
The use of this space for external seating and smoking by the customers of the public house will be more manageable than the space in the rear garden. The space is much better over looked by the publican, the public and by the occupants of the flats opposite. The garden suffered from years of abuse by customers causing problems of noise, smoke and drug related crime causing nuisance to adjacent property occupiers.

The garden is much closer to the adjacent properties and was not overlooked or monitored by the publican or staff so antisocial behaviour took place on a regular basis. This caused problems for the adjacent occupiers who complained to the police and the LA on a regular basis. Camden have confirmed that the Licensing Team have received several complaints of miss-use in recent years, and the more recent complaints between April and September 2014 are enclosed in this appeal as typical examples.

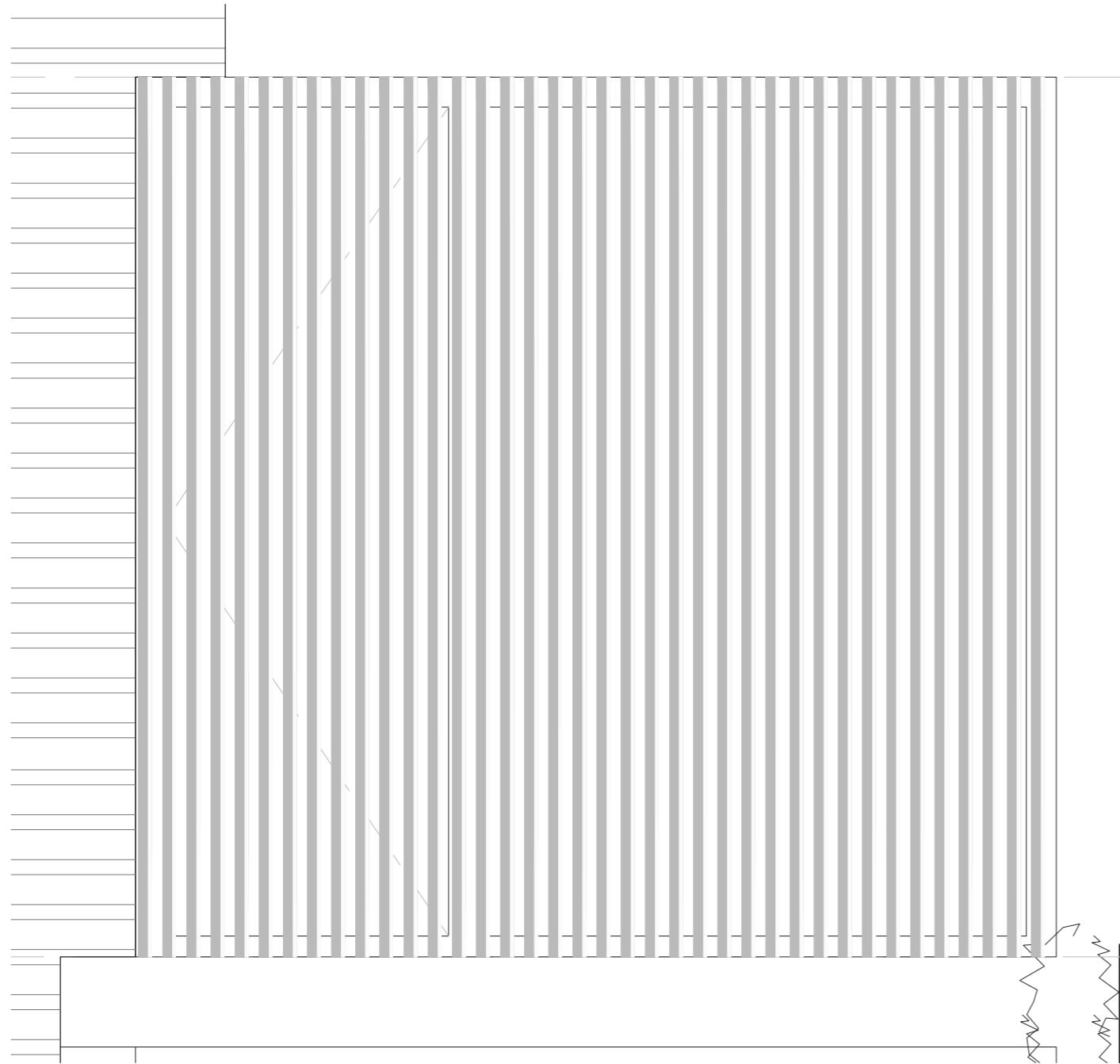
The position of the tables and chairs positioned on the land adjacent to the public house on Torriano Avenue, are further away from residential units than the garden is and as such will be better policed, more visible and create less nuisance and disturbance than the garden did.

APPENDIX 1

DAYLIGHT REPORT



TIMBER LOUVER DETAIL PLAN 1:20@A3



TIMBER LOUVER DETAIL ELEVATION 1:20@A3



EXAMPLE OF TIMBER LOUVERS FOR PRIVACY - EXTERNAL VIEW

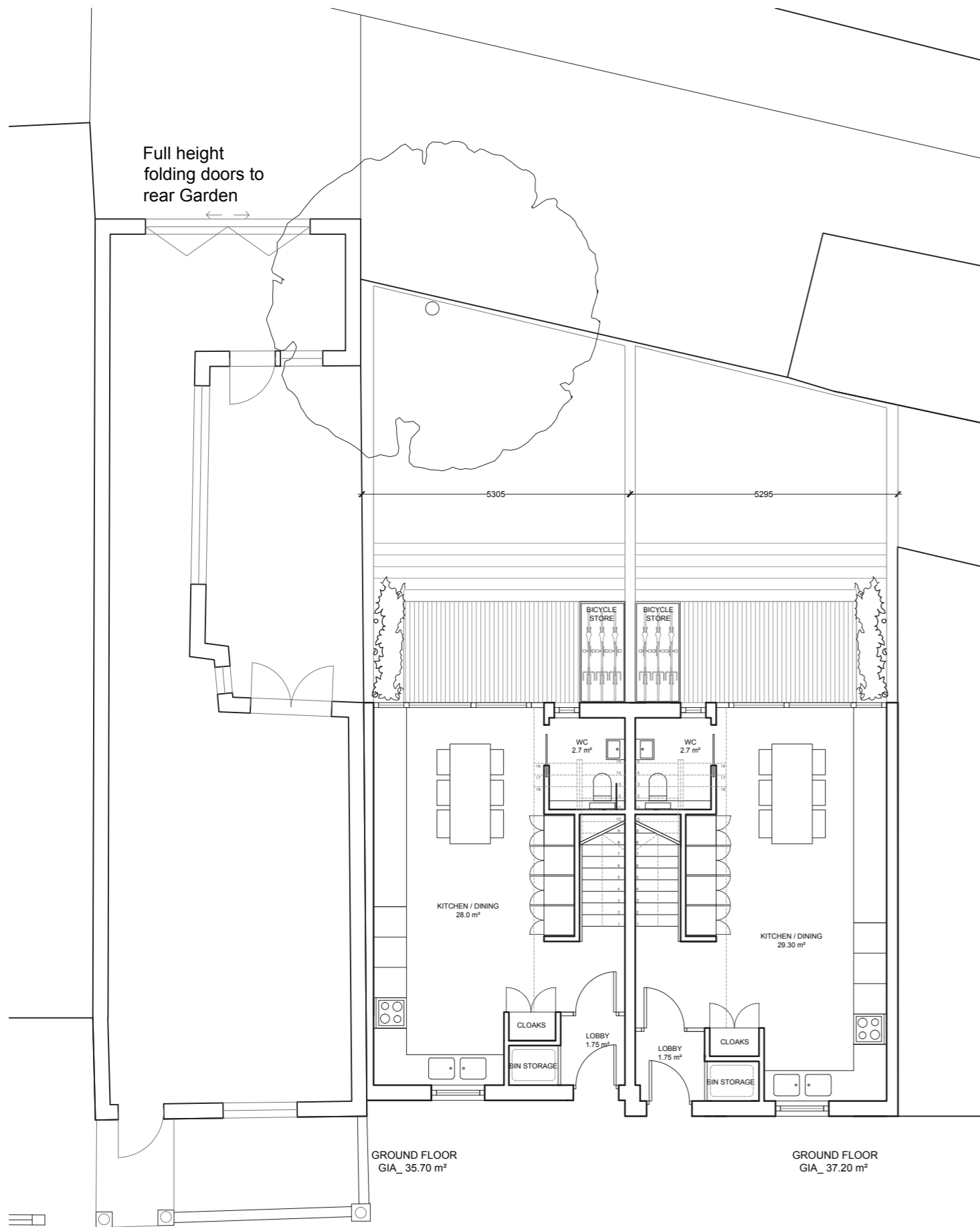


EXAMPLE OF TIMBER LOUVERS FOR PRIVACY - INTERNAL VIEW

NOTES
DO NOT SCALE FROM THIS DRAWING
PROPOSED

Martin Evans Architects ©	
18 Charlotte Road London EC2A 3PB tel 020 7729 2474	
JOB Land to the rear of The Leighton 101 Brecknock Road London, N7 0DA	
TITLE Timber louver Detail	
DATE	05.05.2015
SCALE	1:20@A3
DRAWN	A.L.
DRAWING NO. BRE-PL-GA-18	

1:20 0 200 500 1000mm



PROPOSED GROUND PLAN WITH 135 TORRIANO AVENUE 1:20@A3



EXISTING BOUNDARY BETWEEN 135 TORRIANO AVENUE AND THE PROPOSED SITE, WITH SCREEN AND PLANTING

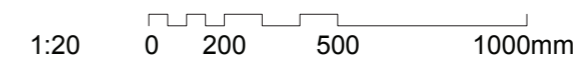


EXISTING HIGH LEVEL SCREEN AND PLANTING



REAR KITCHEN EXTENSION AT 135 TORRIANO AVENUE WITH SMALL COURTYARD AS VIEWED BEYOND THE SCREEN

Martin Evans Architects 18 Charlotte Road London EC2A 3PB tel 020 7729 2474	
JOB Land to the rear of The Leighton 101 Brecknock Road London, N7 0DA	
TITLE Daylight Diagram	
DATE	05.05.2015
SCALE	1:20@A3
DRAWN	A.L.
DRAWING NO. BRE-PL-GA-20	





DIXON PAYNE

M. Evans Esq.
Martin Evans Architects
18 Charlotte Road
London
EC2A 3PB

Date Thursday, May 13, 2015
Our ref rs/ROL.14/2

Dear Martin

**LAND AT R/O 101 BRECKNOCK ROAD
DAYLIGHT/SUNLIGHT REPORT**

Further to your instructions, by way of reference of my original Report dated October 30, 2014, I would like to confirm my advice in respect of the Decision Notice dated March 25, 2015 pertaining to the Planning Permission Application reference 2014/5401/P and specifically Reason for Refusal 3 which states:-

- ‘3. *Inadequate information has been submitted to adequately demonstrate that the proposed new houses would not cause a material loss of daylight and sunlight to the windows on the extension of 135 Torriano Avenue, which would result in a loss of amenity to the occupier contrary to Core Strategy Policy CS5 (Managing the impact of growth and development) and Development Policy DP26 (Managing the impact of development on occupiers and neighbours) of Camden's adopted Local Development Framework 2010.*

Attached is a drawing showing the proposed internal configuration of 135 Torriano Avenue, dated November 2013, which shows the proposal to extend the rear of the extension including the provision of rear fully glazed bi-folding doors opening onto a rear patio. The outlook of these windows is entirely unaffected by the Planning Permission Application works.

Within the Decision Notice, there is no reference made to these doors although the doors in their own right would provide sufficient internal illuminance.

Insofar as the specific effect upon daylight and sunlight; in the first instance as stated within the *Second Edition* 2011, the criteria for the assessment of the effect upon sunlight is that a windows faces within 90° of south to meets the criteria for assessment. The windows to the extension affected by the proposals do not face within 90° of south.

With regard to the effect upon daylight, I have constructed a 3d model using the aforementioned plans for 135 Torriano Avenue and the proposals for the houses; I have constructed the model as if the proposals for Leighton Arms have been undertaken.

2/...

I attached the daylight analysis, which in this instance is by Waldram analysis for various location points along the window opening; By way of explanation, Percy J. Waldram invented the Waldram diagram as a method of showing on a 2d image the curved and three dimensional view of the sky from a fixed point. The area of a Waldram diagram drawn to scale is 396cm² which represents the total amount of unobscured sky that can be seen from a vertical plane. The vertical edges of any obstructions are plotted as vertical lines on the diagrams by reference to their angle from the reference point. The head of any obstruction are plotted along the droop line corresponding to their altitudes above the horizontal measured in the section perpendicular to the reference point.

The difference between the effect of the proposals for Leighton Arms and that with the houses varies at about 20%; this is the level at which any changes in daylight may be discernible to the human eye. I must reiterate again that the bi-folding windows, unaffected by the proposals, are not included within this analysis and these would provide sufficient daylight in their own right.

With regard to loss of amenity, this is an entirely subjective matter upon which there is no guidance. If there is a question as to the effect upon outlook from the kitchen of 135 Torriano Avenue, patently the bi-folding doors would be considered the main outlook, with reference again to the Waldram analysis attached, the houses which are considered in their own right have very little actual effect upon the outlook.

In my Expert opinion, if the concern with regard to the effect upon the windows to 135 Torriano Avenue had been raised prior to the Committee meeting that the foregoing could have been submitted to demonstrate that the concern is unfounded.

I hope that the above is satisfactory, but should you wish to discuss matters further, please do not hesitate to contact me.

Yours sincerely,

R W STAIG

BSc

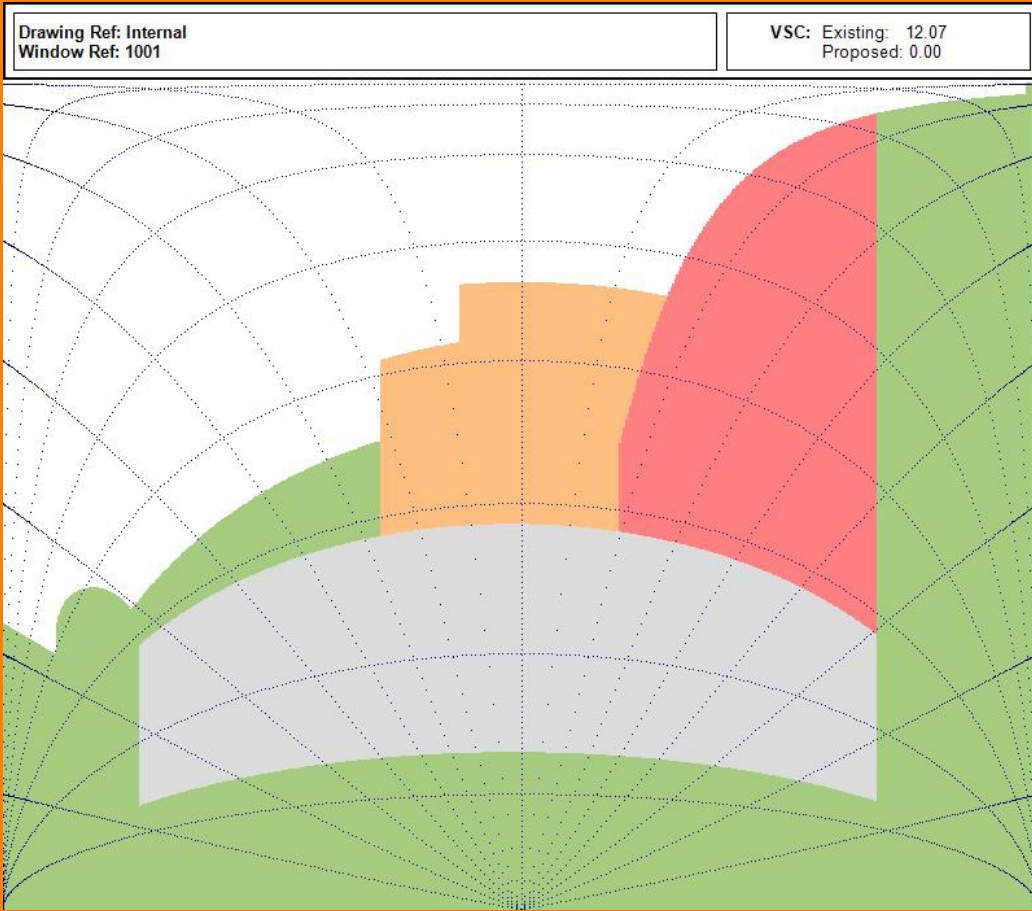
E-mail : richardstaig@dixonpayne.fsnet.co.uk

Mobile : 07710 066235

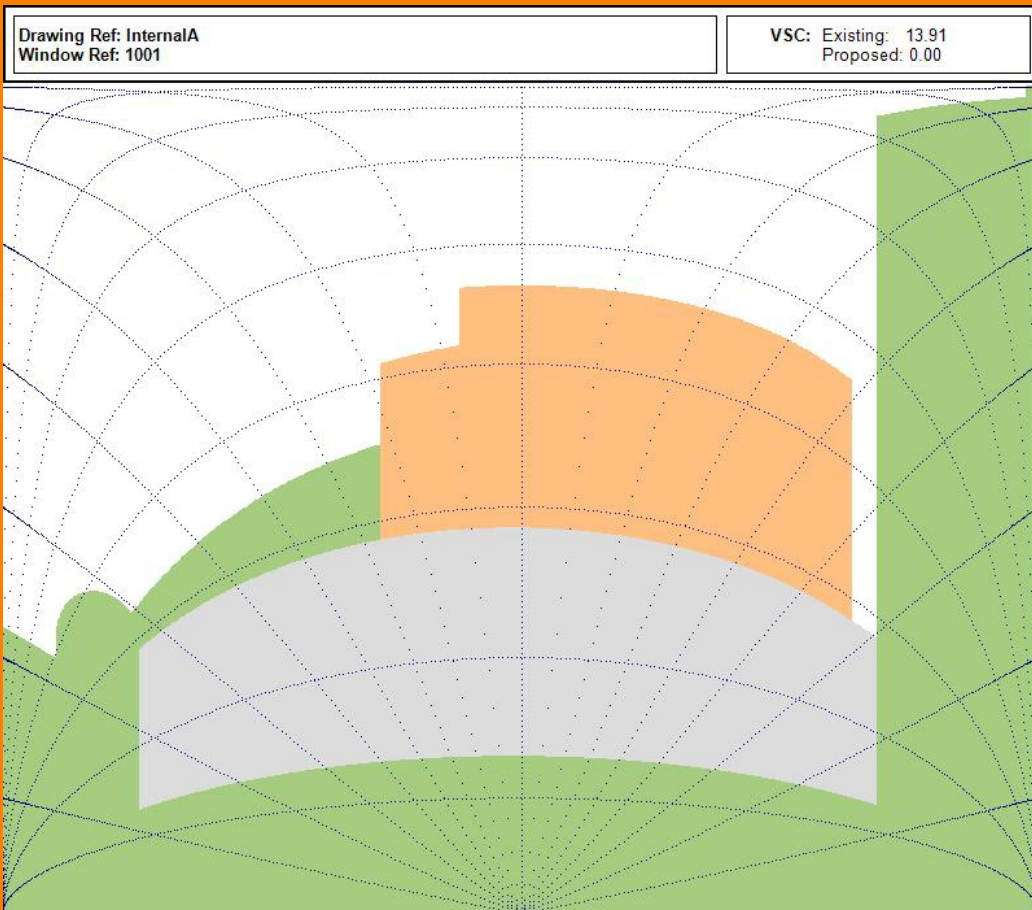
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LAND TO R/O 101 BRECKNOCK ROAD

WALDRAM ANALYSIS - EFFECT OF HOUSES PERMISSION



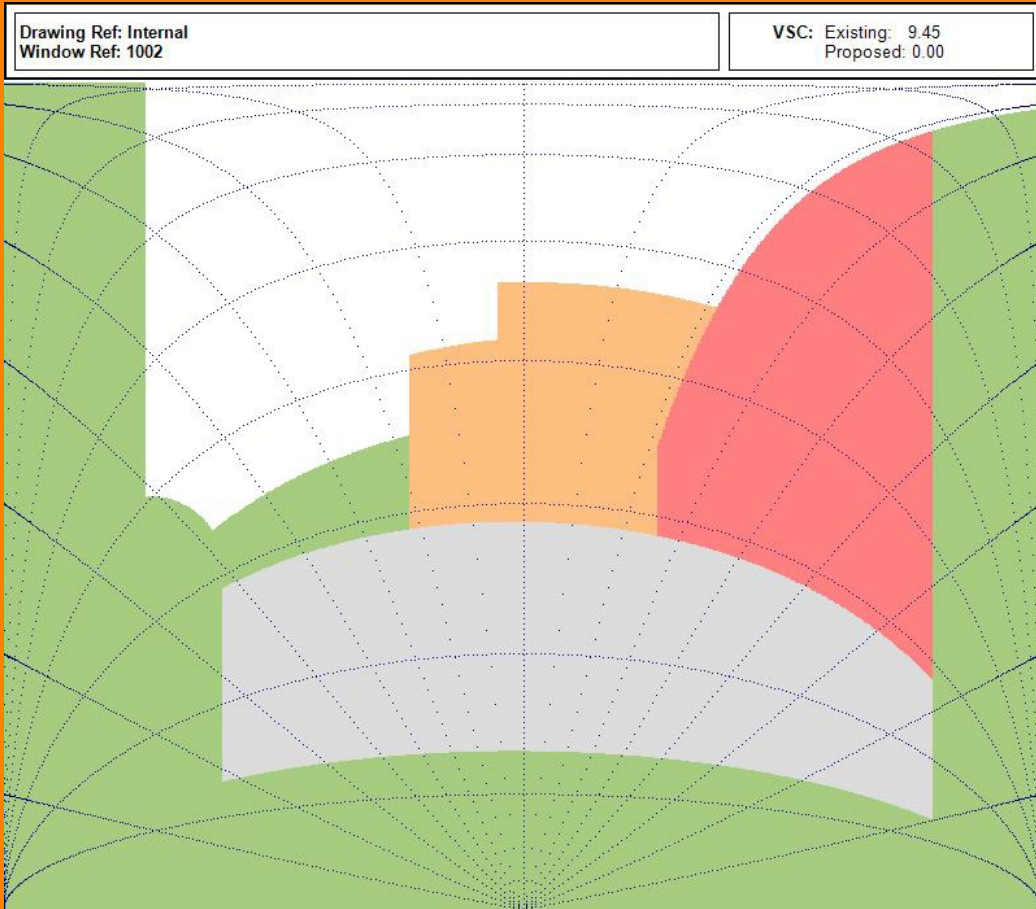
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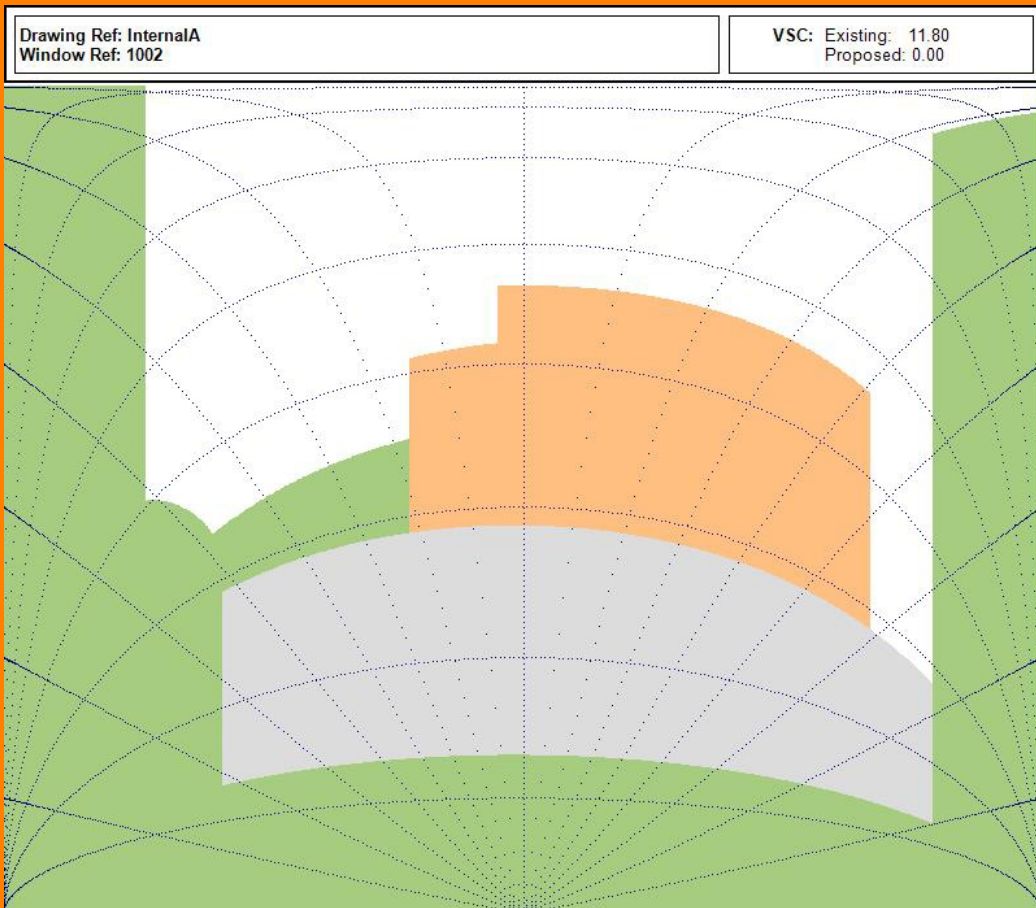
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LAND TO R/O 101 BRECKNOCK ROAD

WALDRAM ANALYSIS - EFFECT OF HOUSES PERMISSION



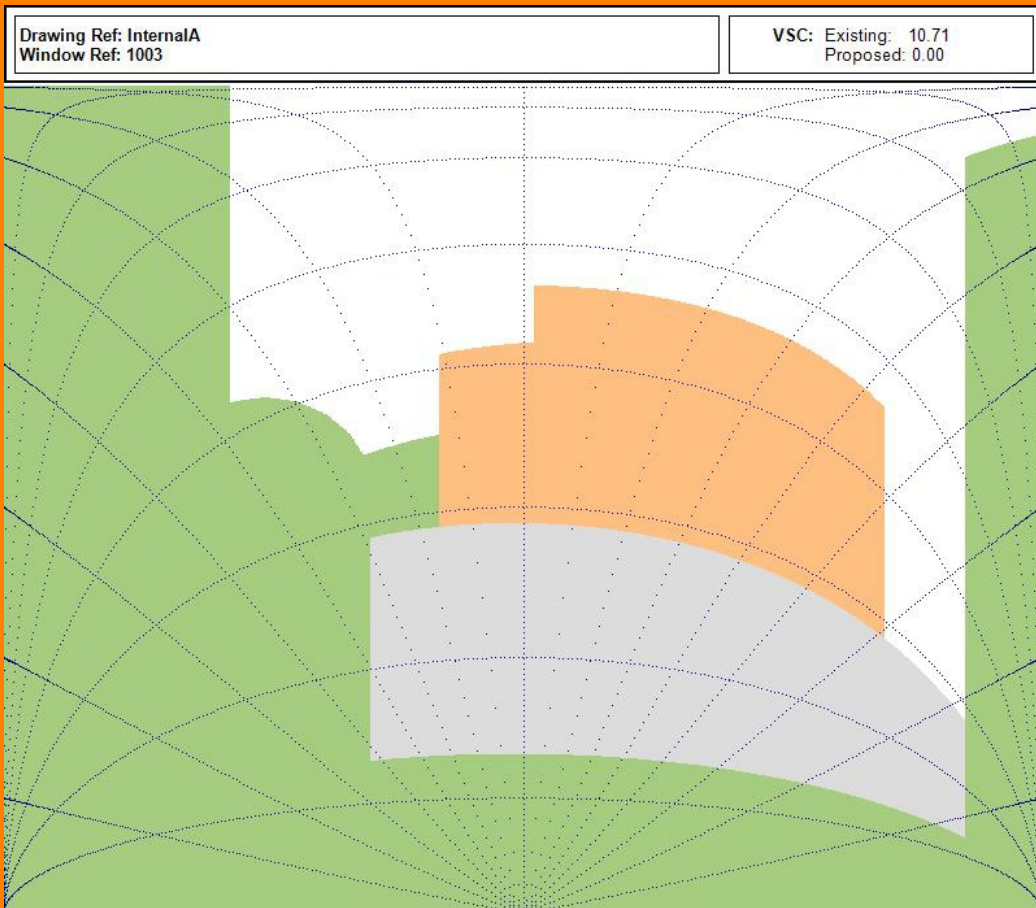
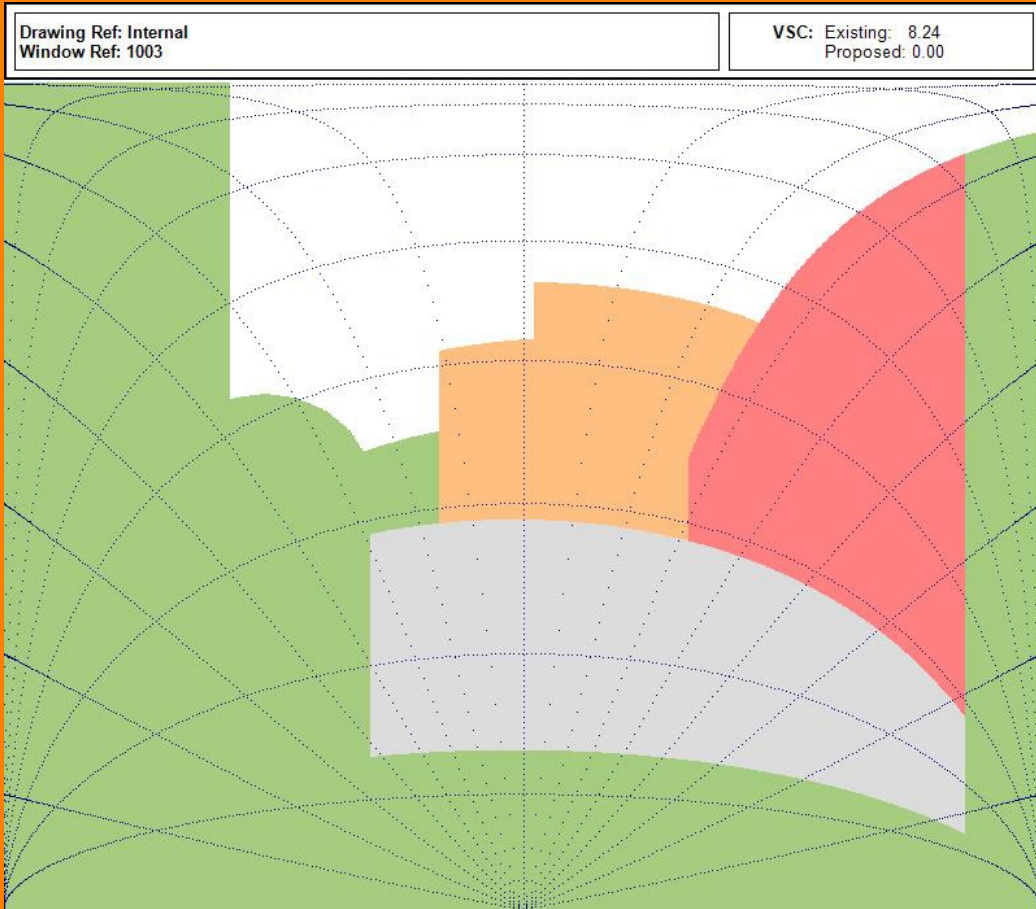
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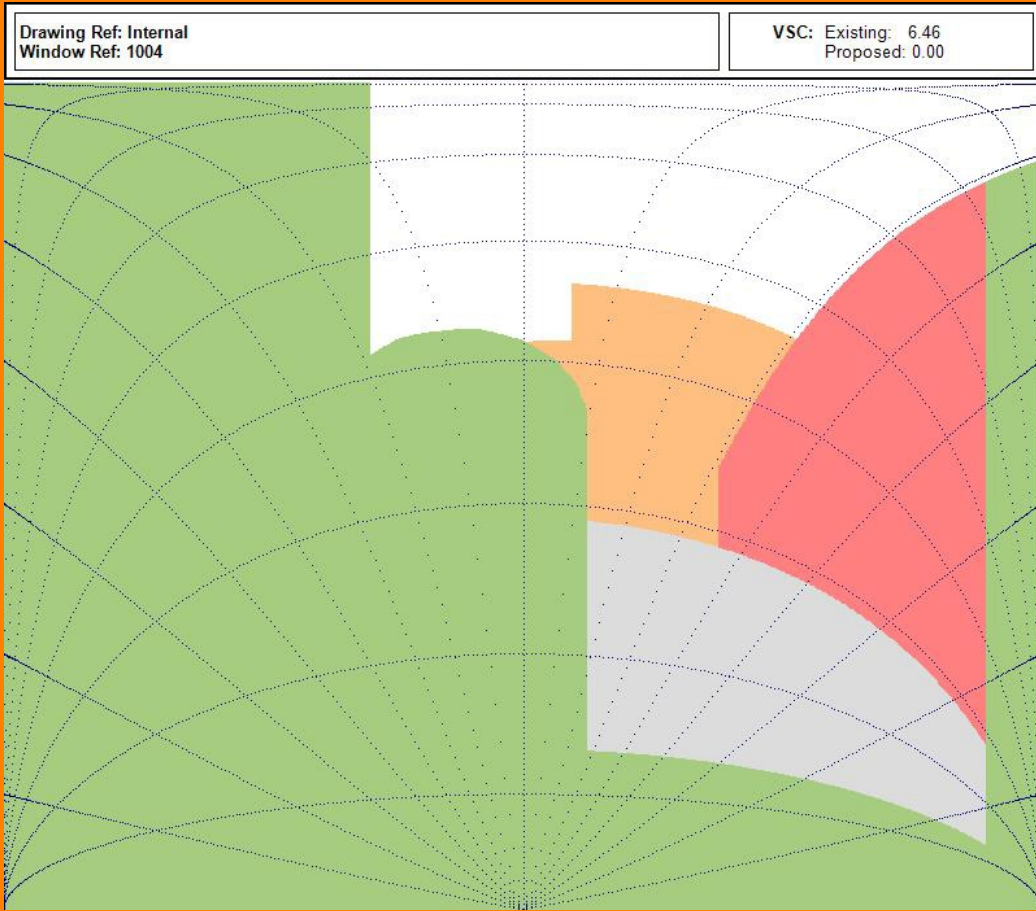
LAND TO R/O 101 BRECKNOCK ROAD

WALDRAM ANALYSIS - EFFECT OF HOUSES PERMISSION

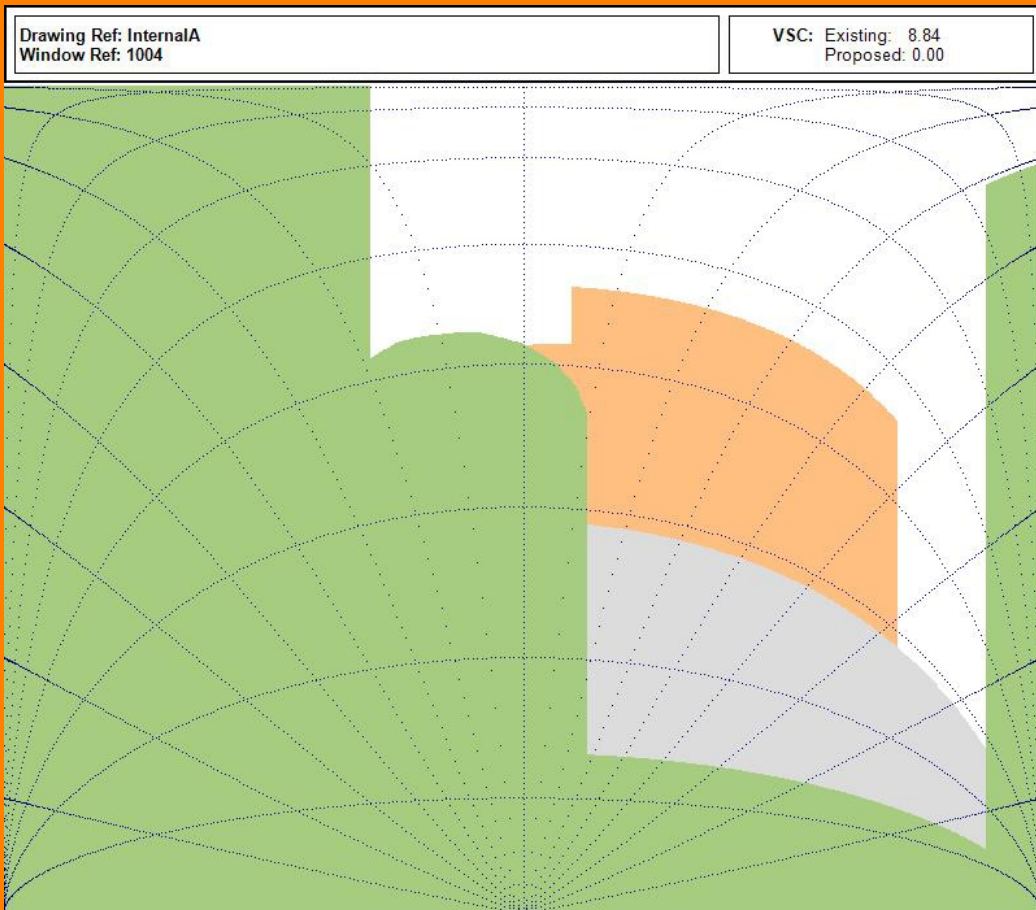


LAND TO R/O 101 BRECKNOCK ROAD

WALDRAM ANALYSIS - EFFECT OF HOUSES PERMISSION



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