



**ADN Planning Ltd**

**Chartered Town Planners**

## **PLANNING STATEMENT**

**FOR THE ERECTION OF TWO X 4 BEDROOM HOUSES**

**AT**

**137 TORRIANO AVENUE, LONDON, NW5 2RX**

**DAVID NORRIS BA (Hons.); BTP; MRTPI**

**ADN Planning Ltd**

8 Kerria Way, West End, Woking, Surrey GU24 9XA

**Telephone:** 01483 808983 **Mobile:** 07503 745 077 **Email:** enquiries@adnplanning.co.uk

**Website:** www.adnplanning.co.uk

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# **1 DESCRIPTION OF THE APPLICATION SITE AND THE SURROUNDING AREA**

**1.1** The application property comprises land between the Leighton Arms public house and Number 135 Torriano Avenue. It currently comprises an empty storage concrete yard, having been detached from the public house operation. Fronting Torriano Avenue is a temporary hoarding. It was previously fronted by a brick wall that contained three openings infilled with metal grills and a gate. There was also a raised brick planting bed behind this wall. The pavement in front of the wall to the rear yard is not within the ownership of the applicant.

**1.2** The adjoining public house comprises a three storey Edwardian building that is located on the corner of Brecknock Road and Torriano Avenue. The upper two floors of the front façade are of yellow London stock bricks with plastered architraves. Some stucco detailing is missing from window architraves as a result of previous low maintenance of the building. The ground floor is finished in stucco, which is painted grey/blue, with pilasters marking corners on the doorways. The large shop-front type windows and door have timber boarding surrounding them, both below and between. Number 135 Torriano Avenue and the public house sit forward of the notional building line that runs along Brecknock Road and Torriano Avenue. This setting forward of the corner buildings is a feature common to the local area and helps to define the entrance to the side streets. This can be seen on the opposite side of the road where the first few properties sit forward of the main building line

**1.3** The character of the immediate area is predominantly residential. Brecknock Road forms the boundary between the original Edwardian streets and the generally 1950s blocks of flats to the east. These flats are typically set within gardens, set back from the pavement edge and vary in design and quality. Many of the properties in Torriano Avenue, and surrounding streets, are three storeys in height and although built as single family dwellings have subsequently been converted to flats. This includes the building on the opposite corner, which has an additional floor within the roof space

built behind the parapet wall. In addition, many have mansard roofs, which vary considerably in quality. Number 135 Torriano Avenue comprises a four storey building and has a single storey extension that wraps around the rear area of the property. It accommodates a kitchen/dining area.

- 1.4** Neither the existing building, nor the surrounding area, has been classed as Heritage Assets (Conservation Area/Listed Building).

## **2 THE PROPOSAL**

- 2.1** Planning permission is sought for the erection of two, three storey plus mansard, 4 bedroom houses within land that was previously used as part of the pub garden for the adjoining public house. Each house will be four storey and has been designed with a mansard roof set back from the main façade. The design of the houses has been largely informed by the style and form of the adjoining houses, and is very much in keeping with this style. The last few properties at the eastern end of Torriano Avenue form a distinctive feature within the urban grain of the street and sit in line with the elevations of the corner buildings set by 99 and 101 Brecknock Road. These properties sit forward of the rest of the terrace along Torriano Avenue. The two proposed houses follow this street pattern

- 2.2** The two houses will be constructed using London stock brick with modern white timbered windows and surrounds, traditional lead dormer windows and slate roofs. The existing architrave line of the terrace will be extended along the front elevation with white painted parapet walls. The houses will be three storey with a mansard roof and will follow a very similar design to the houses adjoining in Torriano Avenue. The ground floor of each house will comprise a kitchen/ dining area on the ground floor with a bin storage area accessing off the entrance hall. To the rear a bicycling store has been provided. Above, on the first floor, is a living room with dual aspect to the front and rear, and two bedrooms on the first floor with bathroom. On the third floor, and set within the mansard roof area, are two additional bedrooms with an en-suite to the master bedroom and a closet.

### **3 RELEVANT HISTORY OF THE APPEAL SITE**

**3.1** Planning permission was refused by the Council's Planning Committee for the erection of two new build, 4 bedroom houses (LPA Ref: 2014/5401/P against the recommendation of the planning officer to approve. The reasons for refusal were as follows:

*"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;*

*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;*

*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;*

*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) DP 21(Development connecting to the highway network), DP26 (Managing the impact of development on occupiers and neighbours) of Camden's adopted Local Development Framework 2010."*

- 3.2** An appeal against this decision was dismissed by letter dated 11 December 2015. The Inspector dismissed the appeal on a single issue, namely the impact of the two houses on overlooking to an extension to the rear of the adjoining dwelling: 135 Torriano Avenue. This issue will be discussed in detail in the Planning Issues section to this statement.
- 3.3** A planning application on the adjoining Leighton Public House site was allowed on appeal (LPA ref: 2014/4554/P). This proposal related the conversion and extension of the existing pub and residential unit. It involved the retention of the pub on the ground floor with 5 new residential units to be provided on the upper floors together with a single storey roof extension.

## **4 PLANNING POLICIES**

### **National**

- 4.1** The basis on which planning applications are to be determined is set out in S.38 (6) of the Planning and Compulsory Purchase Act 2004, which requires:

**“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in**

**accordance with the plan unless material considerations indicate otherwise.”**

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

- 4.2** The NPPF re-iterates at paragraph 11 that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. However, paragraph 12 states that development that accords with an up-to-date Local Plan should be approved, and proposed developments that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up- to-date plan in place.
- 4.3** The NPPF at paragraph 17 sets out a number of what is described as Core Planning Principles. Those relevant to this application include:
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
  - encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 4.4** Paragraph 49, under the heading of Delivering A Wide Choice Of High Quality Homes, states, “Housing applications should be considered in the context of the presumption in favour sustainable development.” Paragraph 60, of Chapter 7 (Requiring Good Design), states, “Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”
- 4.5** Section 7 of the NPPF is entitled Requiring Good Design and at paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 60 states, *“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”*

**4.6** Paragraph 70, under the heading Promoting Healthy Communities states that planning policies and decisions should deliver the social, recreational and cultural facilities the community needs. This involves planning positively for the provision and use of shared space, community facilities etc. and also to guard against the unnecessary loss of valued facilities and services.

**4.7** Under the heading Decision-taking the NPPF at paragraph 186 states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. This is re-iterated further at paragraph 187, which states:

*“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”*

## **Local**

### **The London Plan – Spatial Development Strategy for Greater London – July 2011**

**4.8** The London Plan provides a strategic framework for planning policies within the London Boroughs. Paragraph 3.13 states that the Mayor is clear in that London desperately needs more homes in order to promote opportunity and real choice for all Londoners. This is further supported in paragraph 3.14, which recognises that with a growing population and more households, delivering more homes for Londoners, and meeting a range of needs with high design quality is important.



## **The London Borough of Camden – Local Development Framework – Core Strategy 2010**

**4.9** A full list of the relevant planning policies is set out in the officer's delegated report. For convenience these are listed as follows:

- CS5 – Managing the impact of growth and development;
- CS6 – Providing quality homes;
- CS10 – Supporting community facilities and services;
- CS11 – Promoting sustainable and efficient travel;
- CS14 – Promoting high quality places and conserving our heritage;
- CS15 - Open space and biodiversity;
- CS17 – Making Camden a safer place;
- CS18 – Dealing with our waste and encouraging recycling.

## **The London Borough of Camden – Development Policies 2010**

- DP1 – Mixed Use Development;
- DP2 – Making full use of Camden's capacity for housing;
- DP6 – Lifetime Homes and wheelchair homes;
- DP12 – Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses;
- DP15 – Community and Leisure Uses;
- DP16 – The transport implications of development;
- DP17 – Walking, cycling and public transport;
- DP18 – Parking standards and limiting the availability of car parking;
- DP 22 – Promoting sustainable design and construction;
- DP24 – Securing high quality design;
- DP26 – Managing the impact of development on occupiers and neighbours;
- DP28 – Noise and vibration;
- DP29 – Improving access.

## **Supplementary Planning Documents**

**4.10** The Council have adopted a number of documents that assist in the determination of planning applications. Of relevance to the appeal are:

- CPG1 – Design;
- CPG2 – Housing;
- CPG3- Sustainability; and
- CPG6 – Amenity.

## **5. PLANNING ISSUES**

### **Introduction**

**5.1** The originally submitted application for the two houses was recommended for approval by the planning officers but refused by the planning committee. As documented in the History section to this report the subsequent appeal against this decision was dismissed. The decision to refuse was based on one objection, namely the loss of privacy to the adjoining property, Number 135 Torriano Avenue. In addition, the Inspector raised an issue in relation to mutual overlooking from the roof terrace to the new dwellings. The proposal has been revised through the introduction of smaller first and second rear facing windows on the proposed dwellings. In addition view control glass has been introduced for part of the window pane and it is considered that these two revisions overcome the objection raised by the Inspector.

### **Privacy/Overlooking**

**5.2** Policy DP 26 of the Camden's Development Policies document seeks to manage the impact of development on occupiers and neighbours. Visual privacy and overlooking is considered to be one such issue falling within the scope of this policy. Section 7 of the Camden Supplementary Planning Guidance (SPG) also deals with overlooking, privacy and outlook. Paragraph 7.4 of the SPG states that development should be designed to protect the privacy of both new and existing dwellings to a reasonable

degree. It states that the degree of overlooking depends on the distance and the horizontal and vertical angles of view. The most sensitive areas to overlooking are living rooms; bedrooms; kitchens and the part of a garden nearest to the house.

- 5.3** In terms of good practice there should normally be a minimum distance of 18 metres between the windows of habitable rooms that directly face each other. The SPG also includes design measures that could be used in order to reduce the potential for overlooking and which include the position of rooms; orientation and size of windows depending on the use of the rooms; use of obscure glazing; screening by walls or fencing and screening by other structures or landscaping.
- 5.4** The Inspector considered that at paragraphs 12 and 13 of her decision letter that in relation to the previous scheme that there would be significant overlooking and loss of privacy to the adjoining property, No 135 Torriano Avenue. The overlooking identified by the Inspector stemmed from views from the first and second floor windows of the new dwellings into the kitchen and dining area of No.135, as well as the courtyard area (P.12) . The Inspector however afforded little weight to the advice of the SPG given that it referred to habitable windows facing each other. She did give weight, however to the advice in so far as that new buildings should be designed to avoid overlooking and that the degree of overlooking would be dependent upon the distance and vertical angle of view (P13)
- 5.5** Submitted with this application is a full analysis of the potential overlooking taken from all four first and second floor rear facing habitable room windows. The exercise aided by the use of modelling qualifies the degree of overlooking towards the rear of the adjoining property, No. 134 Torriano Avenue. In order to eliminate this overlooking without significantly altering the appearance of the building, it is proposed to apply to the relevant rear facing windows a viewing angle transparency film. This film effectively obscures views from within these proposed habitable rooms towards the rear of No. 135. As illustrated in the supporting information prepared by the manufacturer of the product, the remainder of the window can utilise clear glazing. This will allow a view out and light into these habitable rooms and thus provide an attractive environment for the future occupiers of the development.

**5.5** The Inspector also raised the issue of overlooking in relation to the existing roof terrace also at the rear of No. 135 Torriano Avenue. She was concerned with the mutual overlooking between the terrace and the new houses. At paragraph 14 of the decision letter she states: *“Whilst I note that there are other roof terraces in the vicinity which have a close relationship with neighbouring windows, none of the windows are of the size and scale proposed at the appeal site”*. As stated in the Design and Access Statement which also accompanies this planning application the applicant has greatly reduced the area of glazing on the rear elevation with the overall arrangement and size of windows being based on similar arrangement found on other similar period type properties found in the vicinity. The previously large contemporary style fenestration has been replaced with a more modest timber sash windows complete with traditional fenestrations. As such it is considered that the reduction in the amount of glazing to the rear of the proposed houses reduces significantly the degree of mutual overlooking between the development and the roof terrace

**5.6** It is considered that in the light of the changes that have been made to the scheme, the proposal will no longer result in a significant loss of amenity to the adjoining property, No. 135 Torriano Avenue. As such it fully overcomes the concerns raised by the Inspector and is in compliance with Policy DP 26 of the Camden Development Polices and the Camden Supplementary Planning Guidance (SPG) CPG 6.

### **Other Issues**

**5.7** There is no objection to the principle of development with the Inspector accepting that the loss of the beer garden would not affect the public house which would be retained as part of the proposal on the adjoining land (see History section). The Inspector concluded on this issue at paragraph 26 of her statement that *“The public house would not be affected by the appeal proposal. The community use, afforded protection through the development plan, would therefore be retained”*. There is no current access from the pub to the application site.

- 5.8** In addition, an objection previously made by the Council concerning the loss of a townscape gap was not supported by the Inspector, who states at paragraph 28 that the current gap between the pub and the terrace of residential properties *“is not a distinguishing feature of the area and does not reflect the historic grain of the area as the Council suggest. From what I saw on the site visit, the pattern of development is characterised by closed corners, as shown by the buildings directly opposite the site along Torriano Avenue”*
- 5.9** The proposal results in development in a sustainable location. The NPPF at paragraph 14 states that there is a **presumption in favour of sustainable development**. In addition it states that for decision- taking this means approving development that accords with the development plan without delay. The proposal provides two dwellings which will contribute towards meeting the Council’s Housing supply and this factor should be afforded significant weight in favour of granting planning permission. This point is particularly pertinent given the absence of any identified harm.
- 5.10** In relation to daylight and sunlight, evidence was presented by Dixon Payne both during the application and the subsequent appeal that demonstrated that there would be no significant loss of daylight or sunlight to adjoining properties, particularly No. 135 Torriano Avenue. This was accepted by the Inspector at paragraph 35 of her decision letter wherein she states *“The conclusions reached are that whilst there would be some effect on adjacent properties, these would be entirely in accordance with The BRE Second Edition 2011 guidelines. I am satisfied that on the basis of this evidence, the effect of the proposal in relation to this matter would be acceptable”* A full report that draws together all of the evidence prepared by Dixon Payne on this matter is submitted with this application. The proposal is therefore in full compliance with Policy DP 26 of the Camden Development Policies and CPG 6 SPG.
- 5.11** No issue was raised by the Inspector to the design of the two houses. The Inspector comments at paragraph 30 that *“the size, scale, and proportions of the dwellings have been influenced by No. 135, which in my view is an entirely logical approach. The dwellings would be proportionate in scale and form to the dwellings within the*

*vicinity of the appeal site... I therefore conclude that the proposal would not result in material harm to the character and appearance of the area".* The design of the dwellings remain unchanged, other than the re-design of the first and second floor rear facing windows, which are now more in keeping with the adjacent property, and as such the dwellings are considered to be acceptable and in compliance with policy CS14 of the Core Strategy and DP24 of Development Policies Plan.

- 5.12** An Energy Statement is submitted with the planning application to demonstrate that the proposal meets London Plan policy 5.2, which requires that all development makes the maximum contribution towards minimising carbon emissions. The proposal will meet this target through an investment in high performance building fabric and energy efficient engineering systems.
- 5.13** Policy CS11 also seeks to promote cycling facilities within new developments and in accordance with this policy the proposal provides secure cycle storage will be provided for each dwelling and in accordance with adopted standards.
- 5.14** During the course of the appeal, the applicant in consultation and agreement with the Council submitted a signed and dated Section 106 Undertaking. This Undertaking dealt principally with a commitment to make financial contributions towards environmental improvements and a highway contribution. The Undertaking also made a commitment to a construction management plan and car free housing. The applicant is happy to revise the Undertaking so that it is applicable to the current proposal.

## **6 CONCLUSION**

- 6.1** It has been demonstrated during the course of this statement that the single objection raised by the Inspector in relation to the previous proposal for this site, namely loss of privacy to the rear of the adjoining property, No. 135 Torriano Avenue has been resolved. As such there would be no material loss of privacy to this property as a result of the proposed development. The site is located in a sustainable brownfield location where the NPPF advocates that there should be a presumption in favour of granting

permission. As well as bringing much needed housing, the development will also make a positive contribution to the appearance of the street scene in terms of its overall design, style, form and use of materials. .

**6.2** The proposal will also make a sizeable contribution towards infrastructure provision, as well as offering green credentials. The proposal is therefore in compliance with the NPPF, The London Plan and Camden's adopted Core Strategy and Development Policies. For these reasons the LPA is requested to grant planning permission for the proposal.