

**Submission to the Planning Inspectorate**

Statement of Case due to the refusal of Planning Permission in accordance with  
Section 78(1) of the Town and Country Planning Act 1990.

Local Planning Authority: Camden Council

Application Number: 2016/5809/P

**STATEMENT OF CASE**

**To the Planning Inspectorate for the erection of a two storey front extension at first and second floor levels, mansard roof extension, replacement windows, in association with conversion of existing 1st and 2nd floor flat (3-bed) into 2x self-contained flats (1x 1-bed flat and 1x 2-bed flat) (Class C3) at 90 Torrino Avenue, London, NW5 2SE**

On behalf of Mr J Williams

February 2017



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On behalf of Mr J Williams

February 2017

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## 1.0 INTRODUCTION

- 1.1 This Statement of Case has been prepared for the attention of the Planning Inspectorate in accordance with section 78 (1) of the Town and Country Planning Act 1990 on behalf of the appellant Mr James Williams.
- 1.2 This report provides a Statement of Case against the refusal of Planning Permission issued by Camden Council on 7<sup>th</sup> December 2016 in accordance with the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 1.3 Planning permission is sought to deliver a two storey front extension at first and second floor levels and the inclusion of a mansard roof. This is to allow for the conversion of the existing first and second floor flats into two self - contained units consisting of 1x one bed flat and 1x two bed flat. In response to discrepancies raised during the consultation process in regards to the 'study room' as this room is located off the communal staircase it has been allocated as a communal storage room and will be referred to throughout the statement as secure communal storage.
- 1.4 This Statement provides a clear explanation of the Statement of Case and directly responds to the five Reasons for Refusal issued by Camden Council within their Decision Notice.
- 1.5 This application has been made with the intention of appealing via written representations and refers to documentation throughout that form part of the application submission and is noted in the appeal submission documentation lists.

## 2.0 STATEMENT OF CASE

### 2.1 Reason for Refusal

Camden Council refused the application for three reasons, which are contested by the appellant and as such a statement of case against the reason for refusal is outlined throughout this chapter.

### 2.2 The appellants case is as follows:

- The development accords with the principles of the Development Plan, meeting the criteria of the relevant planning policies and where it does not accord with SPD guidance material considerations outweigh any lack of accordance
- The development makes efficient use of space and incorporates high quality materials to deliver high quality design
- The development does this in a manner that offers no significant detriment to surrounding receptors
- The development retains proportionate and reasonable amenity space for existing dwellings within the wider landholding
- The development has been designed so as to offer no significant massing or receptor impacts on buildings within close proximity
- As such the proposal meets the three mutually dependent roles of the NPPF with regards to Paragraph 7

### 2.3 Reason for Refusal 1

*"The proposed 1-bed flat, by virtue of its size, would fail to meet the requirements of the Government's "Technical housing standards - nationally described space standard" and would therefore fail to provide a satisfactory standard of living for future occupiers, contrary to policies CS5 (Managing the impact of growth and development) and CS6*

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*(Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (securing high quality design) and DP26 (Managing the impact of development on occupiers Executive Director Supporting Communities Page 2 of 2 2016/5809/P and neighbours) of the London Borough of Camden Local Development Framework Development Policies.”*

## **2.4 Statement of Case**

2.5 Due to the bedroom being separated from the lounge the Case Officer has altered the definition of the proposal from looking to deliver a studio to delivering a one bedroomed, one storey property for two people. As a matter of clarification the proposed dwelling throughout the statement of case will be referred to as a one bedroomed flat. Therefore taking this into consideration the minimal spatial requirements will be assessed against those required for a flat. The bedroom of the proposed flat is 12sqm which meets the technical standards for a double bedroom. The London Plan technical guidance advises that the minimal gross internal floor area is 50sqm. In this instance the Appellants one bedroomed one storey, two person flat is 46sqm. This over exceeds the requirements for a one bedroomed, one storey, one person flat but falls short of a two person one bedroomed flat by 4sqm. While the proposed property delivers a double bedroom this does not necessarily assume that the property will be occupied by two adults. The proposed is 4sqm short of the two person 50sqm flat but is 5sqm larger than a one person flat.

2.6 The additional room off the communal stairway is for the communal use of the three flats and while it is not self-contained within the one bedroomed flat it is additional floorspace upon which the occupant/s of the one bedroomed flat can take advantage of and therefore contributes to the required additional 4sqm loss.

2.7 It is therefore considered that adequate living accommodation and secure storage space is available for the one bedroomed flat to adhere to minimal spatial requirements and in turn policy, CS5, CS6 and DP24.

2.8 **Reason for Refusal 2**

2.9 *“The proposed front extension and mansard roof above, by virtue of their size, scale, siting, design and appearance, would result in an incongruous and inappropriate addition to the application building, that would detrimental to the character and appearance of the application building, the group of buildings and the street scene along Torriano Avenue, contrary to Policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and Policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.”*

2.10 **Reason for Refusal 3**

2.11 *“The proposed front extension and mansard roof above would cause undue loss of outlook to the neighbouring property, No. 88 Torriano Avenue, contrary to policy CS5 (Managing the impact of growth and development) of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.”*

2.12 **Statement of Case**

2.13 Reasons for refusal 2 and 3 are to be assessed together as they both refer to design principles. It is the appellant’s case that whilst the works undertaken provide an

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aesthetic change to the streetscene it is not considered that such a change reaches a definition of harm that can be said to be significant in Development Plan terms. The proposed development has been refused against Development Plan policies that specifically relate to townscape character and local distinctiveness and design requirements for new developments respectively. As such in this instance it is considered that the design brought forward contributes to the wider streetscene setting in a manner that enhances rather than causes detriment unless material considerations indicate otherwise.

- 2.14 It is the Appellants case that whilst the development would propose changes to the frontage of the row of terraces along Torriano Avenue, that the proposed extensions are proportionate and reasonable by the nature and scale so that it does not create a development which is over and above the existing baselines, conforming to the materials along the streetscene and does not impact on neighbouring amenity.
- 2.15 The council consider that the nature of the streetscene is compromised by the inclusion of the proposed front extensions in this location. However it should be noted that the nature of the building, via is complete difference with regards to scale, massing and detailing in comparison to the neighbouring properties, are as such that the proposed is able to be incorporated into the streetscene in a manner that does not allow for a particular dominance of the property along this stretch of terraces beyond the existing baseline and as such the existing relationship.
- 2.16 In regards to the mansard roof, this relates visually with the neighbouring property at 89 demonstrating an approach to high quality architectural design that's been incorporated to create a roof design which reflects that of the adjoining property in a manner that allows for the existing character of the streetscene to not be compromised.



2.17 It is therefore considered that the differentiation created by the front extension scheme, whilst in its own right of the highest architectural design considered proportioned for the type of development proposed, has been specifically undertaken in a manner that retains the context of the surrounding streetscene

2.18 It is therefore considered that the proposal makes the best use of the land by modestly contributing an additional property to the local housing property in such a manner than does not inflict detrimental harm. As such overall it is considered that where harm is identified in relation to the proposal against planning policy, such harm is significantly minor and it cannot be said to be considered significant in NPPF terms. The harm is clearly outweighed by the material benefits of the case and the lack of application that could be applied to the harm with regards to Policy CS14 and CS5 of the adopted Core Strategy and policies DM24 and DM26 of the Development Management Policies.

2.19 **Reason for Refusal 4**

2.20 *“The proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies.”*

2.21 **Statement of Case**

2.22 The proposal site is located within a PTAL rating of 5; demonstrating strong connections to public transport. A Unilateral Undertaking accompanies this report

which states that the appellant agrees to the additional unit being car free to refrain from contributing to the existing street stress. It is therefore considered that this agreement overcomes the issues raised in connection to policies, DP18, DP19 and CS11, CS19.

**2.23 Reason for Refusal 5**

2.24 *“The proposal would fail to provide secure cycle parking for the new units, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP18 (Parking standards and the availability of car parking) of the London Borough of Camden Local Development Framework Development Policies.”*

2.25 The application site is located with PTAL 5 and therefore has exceptionally high connections to the use of public transport. As explained during the Introduction the ‘study’ room which is accessible via the communal hallway will provide a secure storage area for the communal use to store cycle equipment. Therefore demonstrating that the application adheres to policy DP18.

### 3.0 CONDITIONS OF PLANNING

- 3.1 Other than the standardised conditions regarding timeframe and the plans associated with permission, it is considered that pre-commencement conditions relating to the materials for the extension are all subject to the approval of the Local Planning Authority.

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