

## Appeal Decision

Site visit made on 24 April 2017

by **D. M. Young BSc (Hons) MA MRTPI MIHE**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22<sup>nd</sup> May 2017

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**Appeal Ref: APP/X5210/W/17/3168943**

**First & Second Floor Flat, 90 Torriano Avenue, London NW5 2SE.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr James Williams against the decision of the London Borough of Camden.
  - The application Ref 2016/5809/P, dated 20 October 2016, was refused by notice dated 7 December 2016.
  - The development proposed is "*the first part is to extend 90 Torriano Avenue, First and Second Floor Flat on the roof of the ground floor flat to make it in line with 92 Torriano Avenue building on the front façade. This extension will match the existing style and material. The second part of the proposal is to create a new loft space on the roof of 90 Torriano Avenue. With these changes, there will be enough sqm to divide the new layout into two flats. The first flat will occupy the first floor with one bedroom, bathroom and a living room. The second flat will occupy the second floor with a bedroom, a bathroom and a living room, and the loft space with a kitchen, a bedroom, and a bathroom. This proposal will increase the site area from 97.72sqm to 136.7sqm. Existing windows of the flat are all rotten. We propose to change these windows with new ones matching the existing*".
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - (a) The effect of the development on the character and appearance of the area.
  - (b) Whether the proposal would provide satisfactory living conditions for future occupiers with particular regard to internal living space.
  - (c) The effect of the development on the living conditions of neighbouring occupiers with particular regards to outlook.

### Reasons

#### *Character and appearance*

3. The front extension would extend the first and second floors of the host property in line with the adjoining terrace that extends north up to the Leighton Road junction. The materials, fenestration and height of the parapet wall would match that of 92 Torriano Avenue.
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4. As I saw when I conducted my site visit, the surrounding area, although mainly residential, comprises a range of commercial and community uses. Whilst not unattractive, the street scene contains a wide array of building forms with little uniformity with regard to age, style or facing materials. Notwithstanding this diversity, buildings tend to be of a similar scale and share a common relationship with Torriano Avenue. I also share the Council's view that the terraces at the northern end of the street, one of which abuts the appeal site, are of some architectural and aesthetic merit and thus make a positive contribution to the character and appearance of the area.
5. The front extension would replicate the style, form and detailing of the adjoining terrace. On that basis the appeal property would simply read as part of it and would not look out of place or incongruous. There would be no increase to the footprint of the building and the overall dimensions of the extension would be modest. To that end, I am satisfied that the front extension would be subordinate to the host building.
6. In coming to that view I accept that the extension would not preserve the original design and proportions of the host building. However, the appeal property is not listed nor within a conservation area and consequently a degree of change is inevitable. I am also giving limited weight to the argument that the front extension would result in a building of excessive depth since this would not be apparent in public views.
7. The proposal also seeks the construction of a mansard roof which would mostly occupy the area behind a front parapet wall. The roof would be traditionally designed with a flat top and clad in slate with 2 windows to the front and rear elevations which would largely respect the rhythm of the fenestration pattern below. In terms of its height the mansard would be similar in scale to those at Nos 88 and 86.
8. I saw that roof additions are a common feature in the surrounding area. It is also pertinent that planning permission has previously been granted to allow the construction of a mansard to the appeal property. Consequently, the Council's concerns appear at first glance to be ill-founded. However, unlike the approved scheme, the mansard in this case would occupy an enlarged roof area. As a result I share the Council's concerns about its effect on the Torriano Avenue street scene. Particularly when viewed from the south, it would be a dominant, disproportional structure adding significantly to the scale, bulk and height of the host building and altering its shape and general appearance in a manner that would have little resonance to those properties to the north and south. The roof would protrude well forward of the neighbouring mansards and in so doing would stand out as an aesthetically isolated and incongruous feature with an awkward relationship to its immediate neighbours.
9. I therefore conclude that the development would harm the character and appearance of the area. Accordingly there would be conflict with Policy CS14 of the "*Camden Core Strategy 2010-2025 Local Development Framework*" (the CS) and Policy DP24 of the "*Camden Development Policies 2010-2025 Local Development Framework*" (the CDP). Collectively these seek the highest standard of design, taking into account the character, setting, context and form and scale of neighbouring buildings.

### *Living space*

10. There is no dispute that the proposed first floor flat would measure approximately 46m<sup>2</sup> which is less than the standard of 50m<sup>2</sup> for a 1-bedroom, 2 person dwelling as set out in the Government's "*Technical housing standards – nationally described space standard*" (NDSS). The appellant points out that the flat meets the required standard for a 1-bedroom, 1 person flat which is 39m<sup>2</sup>. The crux of the matter is essentially whether the flat would be occupied by 1 or 2 persons.
11. Whilst I cannot discount occupation by a single person, on the balance of probabilities I consider it more likely that the flat would be occupied by 2 people. The width and overall size of the bedroom would exceed that for a 2 person bedroom as set out in the NDSS. In my view therefore it would be capable of accommodating 2 persons, and there would be nothing to prevent it being used as such. I therefore consider that the overall internal floorspace of the flat should be assessed on the basis of the 1 bedroom, 2 person standard. On that basis, the appropriate standard is 50m<sup>2</sup>.
12. I acknowledge that future occupiers would have the benefit of 4m<sup>2</sup> of communal floorspace outside the flat but I am not persuaded that it is reasonable or appropriate to include such areas within floorspace calculations. Consequently, the proposal would fail to provide an adequate level of internal living space contrary to the NDSS, Policies CS5 and CS6 of the CS and Policies DP24 and 26 of the CDP which seek sustainable buildings and spaces of the highest quality and acceptable standards of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space.

### *Living conditions*

13. Effectively the scheme would move the blank gable elevation to No 92 closer to those windows in the front elevation of No 88 thus replicating the existing relationship between the host property and No 92. Given that the front extension and mansard roof would project approximately 3.7 metres forward of No 88 the view to the right (north) from these windows would be significantly curtailed.
14. I accept that the outlook would be no worse than that currently experienced by the occupiers of the appeal property. Nonetheless, this is evidently a long standing situation which stems from the established street layout which is different to the circumstances here whereby the development would rob the occupiers of No 88 of an outlook that they would otherwise continue to enjoy.
15. I therefore conclude that the development would have an unacceptable effect on the living conditions of neighbouring occupiers with particular regards to outlook. There would thus be conflict with Policies CS5 of the CS and DP26 of the CDP which state the permission will only be granted where it does not cause harm to the amenity of neighbours.

### **Other Matters**

16. The appellant states that a Unilateral Undertaking has been submitted and this overcomes the Council's fourth reason for refusal which relates to car free housing. However, there is no signed and dated obligation before me. As I have found the development unacceptable on the main issues I have not pursued this matter further.

17. The appellant states that the first floor 'study' room would provide a secure storage area for cycles. However this would involve residents having to haul their bikes up and down a flight of stairs which would be anything but convenient. I therefore conclude that there would be conflict with Policy CS11 of the CS in that regard.

**Conclusion**

18. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*D. M. Young*

Inspector