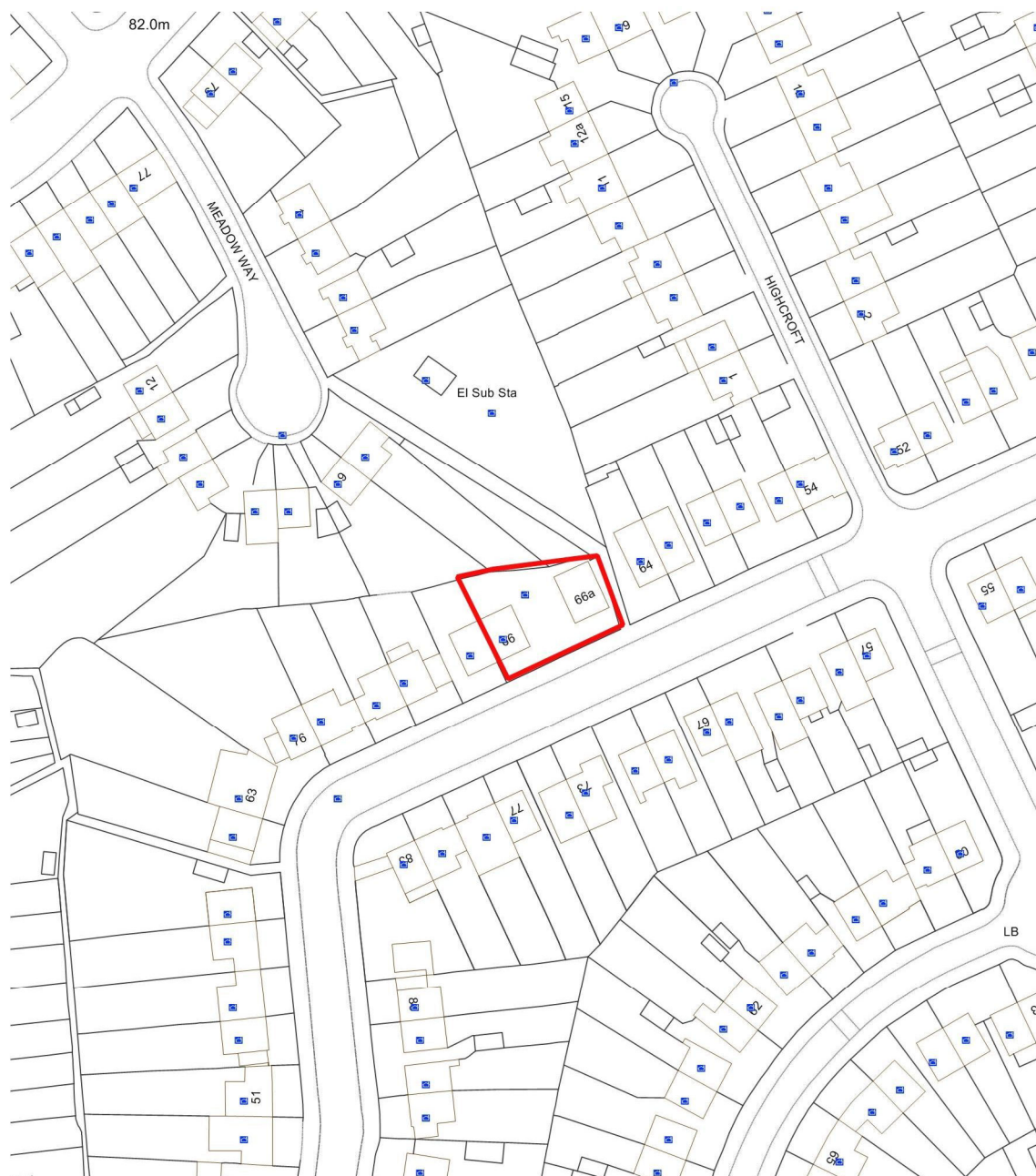




**Planning Committee Map**

Site address: 66A Springfield Mount, London, NW9 0SB

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This map is indicative only.

**RECEIVED:** 19 May, 2011

**WARD:** Fryent

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** 66A Springfield Mount, London, NW9 0SB

**PROPOSAL:** Conversion of a garage (currently in use as living accommodation under a personal consent) to provide separate dwellinghouse to 66 Springfield Mount with associated works to divide curtilage

**APPLICANT:** Mr & Mrs McAteer

**CONTACT:** Mel-Pindi Constructional Services Ltd

**PLAN NO'S:**  
66Spring-11  
66Spring-12 Rev A  
66Spring-13

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#### **MEMBERS CALL-IN PROCEDURE**

In accordance with Part 5 of the Constitution and Section 10 of the Planning Code of Practice, the following information has been disclosed in relation to requests made by Councillors for applications to be considered by the Planning Committee rather than under Delegated Powers

##### **Name of Councillor**

Jim Moher

##### **Date and Reason for Request**

9th June 2011. Further consideration of the merits of the scheme, including the impact upon the amenities of the residents and surrounding properties. Consideration should also be given to changes in planning regulations.

##### **Details of any representations received**

The applicants (Mr and Mrs McAteer)

##### **Name of Councillor**

George Crane

##### **Date and Reason for Request**

9th June 2011. Further consideration of the merits of the scheme, including the impact upon the amenities of the residents and surrounding properties. Consideration should also be given to changes in planning regulations.

##### **Details of any representations received**

The applicants (Mr and Mrs McAteer)

##### **Name of Councillor**

Ruth Moher

## **Date and Reason for Request**

9th June 2011. Further consideration of the merits of the scheme, including the impact upon the amenities of the residents and surrounding properties. Consideration should also be given to changes in planning regulations.

## **Details of any representations received**

The applicants (Mr and Mrs McAteer)

## **RECOMMENDATION**

Refuse Consent

## **EXISTING**

The application site comprises a garage within the side garden of No. 66 Springfield Mount. The garage is currently used as ancillary living accommodation to the main house (see details below). The main garden of this property lies to the side of the main house rather than to the rear.

The site is not located within a conservation area nor is it a listed building. The surrounding uses are predominantly residential.

## **PROPOSAL**

Conversion of a garage (currently in use as living accommodation under a personal consent) to provide separate dwellinghouse to 66 Springfield Mount with associated works to divide curtilage

## **HISTORY**

**11/0501:** Variation of condition 4 (personal consent for use of garage as living accommodation exclusively by Mr Teden or Mrs Teden) of full planning permission 99/1724, dated 24/04/2000, for conversion of a garage into living accommodation, in order to remove the restriction on this use by specific named individuals, to enable the garage to form living accommodation in conjunction with the main dwellinghouse - Refused, 26/04/2011. This application was refused for the following reason:

*Without a special circumstance, the continued use of the garage as additional living accommodation to be used in connection with No. 66 Springfield Mount, represents a form of development that is out of keeping with the character of the surrounding area as it would appear from the streetscene as a separate dwellinghouse evident by its domestic appearance and result in an intensification of uses within the site harmful to the amenity of the surrounding area. As such it would be contrary to policy CP17 of Brent's Core Strategy 2010 and policies BE2 and BE9 of Brent's Unitary Development Plan 2004.*

**10/1303:** Variation of condition 4 (personal consent for use of garage as living accommodation exclusively by Mr Teden or Mrs Teden) of full planning permission 99/1724, dated 24/04/2000, for conversion of a garage into living accommodation, in order to remove the restriction on this use by specific named individuals, to enable the garage to form living accommodation in conjunction with the main dwellinghouse - Refused, 19/07/2010.

**99/1724:** Full Planning Permission sought for conversion of garage into living accommodation - Granted, 24/01/2000. This was a personal consent, where the living accommodation was required to be converted back to a garage once no longer required.

**95/0773:** Full Planning Permission sought for erection of detached double garage - Granted, 11/07/1995.

**91/0824:** Outline Planning Permission sought for erection of dwellinghouse in land adjacent to No. 66 Springfield Mount - Dismissed on Appeal, 19/09/1991.

## **POLICY CONSIDERATIONS**

### **Brent's Core Strategy 2010**

The Council's Core Strategy was adopted by the Council on 12th July 2010. As such the policies within the Core Strategy hold considerable weight.

CP17: Protecting and Enhancing the Suburban Character of Brent

## **Brent UDP 2004**

In addition to the Core Strategy, there are a number of policies which have been saved within the Unitary Development Plan (UDP), which was formally adopted on 15 January 2004. The saved policies will continue to be relevant until new policy in the Local Development Framework is adopted and, therefore, supersedes it. The relevant policies for this application include:

BE2: Townscape - Local Context & Character  
BE7: Public Realm - Streetscape  
BE9: Architectural Quality  
TRN23: Parking Standards - Residential Developments

## **Supplementary Planning Guidance**

Supplementary Planning Guidance 17 – “Design guide for new development”  
Supplementary Planning Document: "S106: Planning Obligations"

## **CONSULTATION**

**Consultation Period: 20/06/2011 - 10/06/2011**

### Public Consultation

7 neighbours consulted - one letter of support received during the consultation period.

### Internal Consultation

**Transportation** - Proposal can be supported on transportation grounds subject to the existing crossover and vehicular access to the site being removed and reinstated to footway at the applicant's expense, prior to occupation of the development.

**Landscape Team** - No objections raised on landscape grounds.

## **REMARKS**

This application has been called in under the Members call-in procedure.

## **Background**

The application relates to a garage within the garden of No. 66 Springfield Mount. The garden of No. 66 Springfield Mount is located to the side of the property (east of the property) fronting Springfield Mount.

The garage itself is a large structure that was granted planning permission in 1995 (LPA Ref: 95/0773). It is approx. 9m deep and 6m wide. When built, it was designed with a garage door fronting Springfield Mount and two dormer windows on the front roof slope and flank roof slope facing the garden of the application property. When planning permission was granted for its conversion to living accommodation in 2000 (LPA Ref: 99/1724), the garage door was replaced with a window and door, and a window on the flank elevation facing the rear garden of the application property was replaced with double sliding doors.

The planning permission to convert the garage into living accommodation in 2000 included a condition which restricted the use of the living accommodation for Mr or Mrs Teden only. Planning permission was only granted given the particular and special caring needs in this case. The permission was granted on a temporary basis, with the garage being required to be converted back to a garage for vehicles once the building was no longer required for the needs of Mr and Mrs Teden.

## **Recent planning history**

Two recent applications have been refused which sought to vary condition 4 of planning permission ref: 99/1724 to remove the personal consent for use of the garage as living accommodation by Mr and Mrs Teden only and allow the unrestricted use of the garage as living accommodation to be used in connection with the main dwellinghouse (No. 66 Springfield Mount). The more recent of these applications (LPA Ref: 11/0501) was refused for the following reason:

*Without a special circumstance, the continued use of the garage as additional living accommodation to be used in connection with No. 66 Springfield Mount, represents a form of development that is out of keeping with the character of the surrounding area as it would appear from the streetscene as a separate dwellinghouse evident by its domestic appearance and result in an intensification of uses within the site harmful to the amenity of the surrounding area. As such it would be contrary to policy CP17 of Brent's Core Strategy 2010 and policies BE2 and BE9 of Brent's Unitary Development Plan 2004.*

### **Site Context**

It should be noted that there are significant changes in the land levels within the site. The main house and garden area is positioned at a higher level than the detached former garage. A site survey showing the changes in ground levels has not been submitted with the application. However, your officers have carried out basic measurements on site which reveal that the floor level of the main house is approximately 1.1m higher than the main garden level and the garden itself is approximately 0.6m higher than the ground level of the former garage. The changes in ground levels have implications for a scheme of this nature and are discussed in detail below.

### **Proposal**

This application seeks to convert the garage which is currently in use as living accommodation under a personal consent (see details above) into a separate self contained dwellinghouse which is independent to No. 66 Springfield Mount. The proposal involves works to the curtilage of the site to subdivide the site into two separate planning units. Such works would appear to require excavation of the raised garden area to allow a gap of 3m to be maintained between the side elevation (western elevation) of the new dwelling and the site boundary - confirmation of this has been requested. The boundary will be divided by a 1.8m high boundary fence.

As the garage is now sought to be used as a self contained dwellinghouse, in addition to considering the impact of the character of the area, the proposal needs to be assessed in line with the Council's policies and guidance on new residential development. This is to ensure that the proposal provides a satisfactory standard of accommodation for both the new unit and the main house at No. 66 Springfield Mount.

#### *Quality of accommodation for the new dwelling (former garage within the garden of No. 66 Springfield Mount)*

The new self contained unit will comprise a one-bedroom bungalow with a shower room and living/kitchen area. It has an internal floorspace of 61.4sqm, which exceeds the Council's minimum guidance for a one bedroom dwelling.

Dual aspect is currently provided from the two habitable rooms (living/kitchen area and bedroom). The level of outlook is currently considered acceptable as outlook is not restricted across the garden from the western elevation windows and patio doors. To enable the building to be used as a self contained dwelling which is independent to the main house at No. 66 Springfield Mount, a boundary fence is required to separate the two units. In this case a 1.8m high boundary fence is to be located 3m away from the habitable room windows located on the western elevation of the building. This will significantly reduce outlook to the kitchen/living area, where the main source of outlook is provided from the patio doors. Outlook is already restricted on the northern elevation of the bedroom and the introduction of a 1.8m high boundary fence will worsen the situation by restricting outlook from both the windows on the northern and western elevations. The resulting level of outlook and restricting in light to these habitable rooms is considered to result in a substandard form of accommodation that will be harmful for the future occupiers.

Adequate levels of privacy will need to be provided for both dwellings. In the case for the new dwelling, a 1.8m high boundary fence is considered sufficient to prevent overlooking from the ground floor windows to the main house and garden of No. 66 Springfield Mount. It should also be noted that the building has two dormer windows, one on the front roof plane and one facing the garden of No. 66 Springfield Mount. However, the submitted plans do not indicate that accommodation is to be provided within the roof space and the application has been assessed on this basis. It should be noted the use of the roofspace could not be controlled as the dormer windows are existing and only internal access would be required to enable this to be used as further accommodation, resulting in overlooking between the buildings and further intensification of use.

SPG17 requires dwellings of this size to have a minimum of 20sqm of external amenity space. The UDP goes on to say amenity space should have some sunlight and that when calculating amenity space, the first 2m of space to the side of dwellings and the first 6m of front garden space are treated as landscaped areas

and not exclusively amenity space (page 287). In this case, a strip of land will be provided to the side and rear of the new dwelling, totalling approx. 54sqm. Whilst the total area exceeds SPG17, the external amenity space is required to be usable. It is considered that given the layout and narrow width of the land together with its orientation which will only provide sunlight to the area to the west of the house for a limited part of the day, results in an unsatisfactory quality of private amenity space for the occupiers of the new dwelling.

#### *Quality of accommodation for the existing dwelling (No. 66 Springfield Mount)*

The proposal will result in the reduction in the garden area for the main house at No. 66 Springfield Mount as a result of the garden being subdivided by the introduction of a 1.8m high boundary fence. Due to the house being sited at a higher level than the rear garden, outlook from the patio doors on the flank wall of the ground floor rear extension (which provide the main source of outlook from the kitchen area) is not considered to be adversely affected. However, the privacy of the new dwelling and its external amenity space is considered to be severely compromised by overlooking from the main house, balcony above the ground floor rear extension (unauthorised but now immune from enforcement action) and the external amenity space. This is due to the house and garden being positioned at a higher level than the ground level of the new dwelling by approximately 1.7m and 0.6m respectively. A boundary fence of 1.8m when measured from the ground level of the new dwelling serves limited benefit in screening the new dwelling from the main house and rear garden at No. 66 Springfield Mount. Whilst it is noted that this issue could be overcome by increasing the height of the boundary fence, this in turn would further impact upon light and outlook to the new dwelling.

As referred to above, the garden area for the existing dwellinghouse will be substantially reduced as a result of the subdivision of the site. The area to the rear of the single storey rear extension has not been included as part of the calculation for the external amenity space as it is not considered to be a usable space. This is because it is very narrow and does not receive sunlight due to its position to the north of the single storey rear extension. The remaining area of external amenity space for the main dwellinghouse is approximately 62sqm, meeting the minimum requirements as outlined in SPG17.

#### *Impact upon the character of the area*

Amongst other considerations, the previous application for the retention of the garage as ancillary living accommodation was refused on the grounds that the domestic appearance of the garage including a front door and windows fronting onto Springfield Mount appears from the streetscene as a separate dwellinghouse which is considered to be out of keeping with the character of the surrounding area. This is because the building does not reflect the scale and designs of other houses within the vicinity of the site.

#### *Transportation considerations*

The existing parking provision for the main dwellinghouse at No. 66 Springfield Mount will not be affected by this proposal. Officers in Highway and Transport Delivery have advised that no amendments are required to the existing provision.

The parking allowance for the new one-bedroom dwellinghouse is one space. Officers in Highway and Transport Delivery have advised that the depth of the forecourt falls short of standard dimensions for a parking space, which is likely to lead to vehicles illegally overhanging the pavement. Given that this road is not heavily parked and has sufficient width to safely accommodate parking along both sides, an on street parking space can be supported, subject to the reinstatement of the drop kerb. It should be noted that if the roofspace were used as additional accommodation, there may be a greater impact on parking provision in the locality from both the occupiers and possible visitors.

#### **Section 106 Agreement**

The following Heads of Terms will be sought for a one-bedroom dwelling:

(a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance

(b) A contribution of £3,000, index-linked from the date of committee, for Education, Sustainable Transportation, Open Space and Sports in the local area.

(c) Prior to Practical Completion enter into a s278/s35 requiring the reinstatement of the redundant crossover onto Springfield Mount to footway.

The applicant has confirmed their acceptance to the standard contributions as set out in the adopted SPD. In the event that the application is refused then a reason for refusal covering the failure to secure a legal agreement to provide education, sustainable transportation, open space and sport contributions together with highway improvements outside the application site would need to be attached to the decision.

### **Conclusions**

It is important to note that the use of the garage as living accommodation was previously granted due to the exceptional circumstances of the case due to the care needs of Mr and Mrs Teden. The accommodation has allowed Mr and Mrs Teden to live with some independence but in close proximity to family members. The accommodation can continue to be used in this capacity in accordance with the conditions of the planning permission. This planning application does however highlight the difficulties of issuing a personal permission where physical works are required to reinstate a building back to its intended use when personal circumstances have changed, particularly when it has been used for a different purpose for some time.

Allowing the garage to be used as ancillary living accommodation which is not specially restricted to a named person(s) would lead to difficulties in the future with regard to the building potentially being used as independent accommodation (e.g. tenanted) and the enforceability without such clear restrictions to its use in place. Without these controls, the development may give rise to similar amenity issues being considered under this application. In addition, if independent use is established, it is often the case that occupiers seek to maximise accommodation on site using permitted development rights (both properties would benefit from these rights) which would result in further intensification of use of the site. The Council would however consider an application for continued use as ancillary living accommodation to the main house in the future if it was restricted to a named person(s) and where exceptional circumstances are demonstrated.

As detailed in the report, the subdivision of the site into two dwellings introduces new issues that would have not previously arisen. The site is not sufficient in size to adequately provide a satisfactory quality of accommodation for both the existing and new dwellings. The impact is exacerbated by the significant changes in land levels across the site. In addition the retention of the property as a separate dwelling is not considered to reflect the general character of properties in the locality and would result in an intensification of uses on the site.

For the reasons as discussed above and as outlined in the decision notice, the proposal is considered unacceptable and refusal is accordingly recommended.

**RECOMMENDATION:** Refuse Consent

### **CONDITIONS/REASONS:**

- (1) The subdivision of the site to provide a new self contained dwelling, would result in a substandard form of accommodation detrimental to the amenities of future occupiers of the new dwelling, by reason of the sense of enclosure and severely restricted outlook from the bedroom and kitchen/living room; and the insufficient quality of external amenity space. As such the application is contrary to Brent's adopted Unitary Development Plan 2004 policy BE9 and the guidance as outlined in SPG17 "Design Guide for New Development".
- (2) The subdivision of the site to provide a new self contained dwelling, by reason of the significant changes in land levels across the site, result in significant overlooking from the existing dwellinghouse, first floor balcony and garden into the garden area and habitable room windows of the new dwelling. This is contrary to Brent's adopted Unitary Development Plan 2004 policy BE9 and the guidance as outlined in SPG17 "Design Guide for New Development".
- (3) The proposal involving a separate dwelling fronting Springfield Mount is considered to be out of keeping with the character of the surrounding, harmful to the amenities of the surrounding area. This is contrary to policy CP17 of Brent's Core Strategy 2010 and policies BE2 and BE9 of Brent's Unitary Development Plan 2004.
- (4) In the absence of a legal agreement to control the matter, the development would result in an

increased demand for school places within the Borough, without providing any contribution to building new school classrooms or associated facilities; pressure on transport infrastructure, without any contribution to local highway improvements or sustainable transport improvements in the area; and increased pressure for the use of existing open space, without contributions to enhance that open space or make other contributions to improve the environment. Furthermore, a s278/s35 has not been secured through the legal agreement requiring the reinstatement of the redundant crossover onto Springfield Mount to footway. As a result, the proposal is contrary to policy CP18 of Brent's adopted Core Strategy 2010, policies CF6, TRN2, TRN3 and TRN11 and the adopted S106 Planning Obligations Supplementary Planning Document.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

Brent's Core Strategy 2010

Brent UDP 2004

Supplementary Planning Guidance 17 – "Design guide for new development"

Supplementary Planning Document: "S106: Planning Obligations"

Any person wishing to inspect the above papers should contact Victoria McDonagh, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5337