

	Planning Committee Map
Site address: 66 Springfield Mount, London, NW9 0SB	
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This map is indicative only.

RECEIVED: 19 August, 2011

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: 66 Springfield Mount, London, NW9 0SB

PROPOSAL: 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

APPLICANT: Mr & Mrs McAteer

CONTACT: Mel-Pindi Constructional Services Ltd

PLAN NO'S:

N/A

Introduction:

This application is reported under the provisions of Clause 28 of the Planning Code of Practice following the resolution at the previous meeting of the Planning Committee on 25th October 2011 of 'minded to grant' consent for "the 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 be used as living accommodation in conjunction with the main dwellinghouse", contrary to the officer recommendation to refuse consent.

This report discusses the implications of the committee's resolution, maintains the original recommendation to refuse consent but includes suggested planning conditions should the Planning Committee decide to grant consent.

Discussion:

As discussed at the previous meeting, officers recommended refusal of permission to allow the continued use of the garage as additional living accommodation to be used in connection with No. 66 Springfield Mount without a special circumstance as it was considered that this could result in an intensification of use of the site harmful to the amenity of the surrounding area.

It is considered that allowing the garage to be used as ancillary living accommodation not specially restricted to a named person(s) is likely to lead to difficulties in the future as it is more difficult to enforce against inappropriate use of the building without such clear conditions of use. The building could potentially be used as independent accommodation (e.g. tenanted) resulting in a significant intensification of use of the site compared with the current use as a single family household with the building occupied by family members.

Whilst conditions have been suggested below, it is not considered that this will fully prevent the problems that can arise by allowing the garage to be used as ancillary living accommodation which is not specially restricted to a named person(s). Furthermore, the conditions are dependant on continuous monitoring from the planning enforcement team.

Suggested conditions in the event that approval is granted:

Following discussion at the Planning Committee on 25th October 2011 regarding the possible future use of the garage, it is suggested that a condition relating to the removal of the kitchen in the garage should not be imposed.

If Members wish to grant consent your Officers would recommend that the following conditions be attached to this consent:

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A, B, C and E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling hereby permitted, or any garage, shed or other outbuilding erected.

Reason: To prevent an uncontrolled increase of living accommodation and building on site to the detriment of the amenities of future occupiers and the surrounding area.

2. The first floor level within the roofspace of the converted garage shall be used for storage purposes only.

Reason: To prevent an uncontrolled increase of living accommodation to the detriment of the amenities of future occupiers and the surrounding area.

3. Within 3 months of the date of this decision, the drop kerb in front of the garage shall be reinstated to footway at the applicants expense, in compliance with a scheme to be submitted to and approved in writing by the Highway Authority, with the works carried out and completed in accordance with these approved details

Reason: In the interests of improving highway conditions within the vicinity of the site.

4. There shall be no erection of fences, or other means of enclosure on the site which would result in the sub-division of the planning unit.

Reason: In order to allow the Local Planning Authority to exercise proper control over the development in the interests of amenity and to maintain access to the available amenity area.

Recommendation : Remains refusal, for the reasons set out in the original report. However if the Planning Committee resolves to grant planning permission, the conditions set out in this report are recommended. 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

George Crane

Date and Reason for Request

5th October 2011. Local councillors have been involved in supporting both the current and previous applications together with the local residents association SERA.

Details of any representations received

None

Name of Councillor

Jim Moher

Date and Reason for Request

5th October 2011. Local councillors have been involved in supporting both the current and previous applications together with the local residents association SERA.

Details of any representations received

None

Name of Councillor

Ruth Moher

Date and Reason for Request

5th October 2011. Local councillors have been involved in supporting both the current and previous applications together with the local residents association SERA.

Details of any representations received

None

RECOMMENDATION

Refuse Consent

EXISTING

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

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

PROPOSAL

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.

HISTORY

11/0488: Full Planning Permission sought for 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 - considered by the Planning Committee on 06/07/2011 who resolved to refuse planning permission. The decision was issued on 07/07/2011 and refused for the following 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.*

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.

Condition 4 states:

This permission allows use of the garage as living accommodation by Mr Teden and Mrs Teden only and cannot be transferred with the land or used by any person or persons obtaining an interest in it and the accommodation should revert back to a garage when it ceases to be occupied by either Mr Teden or Mrs Teden.

Reason: This consent would not normally be granted and is given due to the special circumstances of the applicant.

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

BE9: Architectural Quality

TRN23: Parking Standards - Residential Developments

CONSULTATION

Consultation Period: 27/09/2011 - 18/10/2011

Public Consultation

7 neighbours consulted - no comments received.

External Consultation

Fryent Ward Councillors - email received confirming that they support the application.

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 and required the building to be converted back to a garage for vehicles once it was no longer required for the needs of Mr and Mrs Teden.

Recent planning history

Members may recall a recent application being called in for the conversion of the garage to provide separate dwellinghouse to 66 Springfield Mount with associated works to divide curtilage. This application was refused by the Planning Committee at the meeting held on 6th July 2011. There have also been two previous applications 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). Both of these applications were refused. Further details can be found within the planning history section above.

Assessment

This application is seeking to vary Condition 4 of planning permission ref: 99/1724 to remove the condition restricting the personal use of the garage as living accommodation by Mr and Mrs Teden only to allow the unrestricted use of the garage as living accommodation to be used in connection with the main dwellinghouse (No. 66 Springfield Mount).

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 application is seeking to allow the general use of the garage as living accommodation which is not specifically restricted to a named person(s) to be used in connection with the main house. Such a use is generally not supported by the Council as it raises a number of issues. These are discussed below:

1. The additional living accommodation may be occupied by a number of unnamed people. This could result in a significant intensification of use within the site compared to the current use as a single family household where a personal permission has been in place allowing the building to be occupied by elderly relatives of the family. Such a change could result in increased noise and additional demand for on street parking which have not been apparent with the named occupiers. Unrestricted use would be difficult to monitor and enforce without such clear restrictions to its use in place.
2. Permitted development rights now allow a property to be converted from use class C3 (dwellinghouse) to use class C4 (Houses in Multiple Occupation) without the need for planning permission. This means that the main house and garage accommodation at No. 66 Springfield Mount could be rented out to six unrelated individuals. This could result in similar problems of intensification as described above.

3. The main house at No. 66 Springfield Mount benefits from permitted development rights. This would allow additional extensions to further increase the level of accommodation provided within the main house, further intensifying the use of this property and reducing available amenity areas.
4. There is also the real risk that the garage could be used as an independent accommodation which is not used in connection with the main house. This is because it has its own facilities such as a kitchen and bathroom and independent access from the main road. Once again this would result in intensification of use within the site.

In the event that members are minded to grant planning consent, it is recommended that the following conditions are secured as part of any forthcoming planning consent:

1. Removal of permitted development rights for the main house within classes A, B, C and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

This is to prevent an uncontrolled increase of living accommodation to the main house without full consideration of the impacts of such an increase in living accommodation through the submission of a formal planning application

2. Restriction of the first floor level within the roof space of the garage to be used as additional living accommodation. The reason for this condition is similar to that described above to prevent an uncontrolled increase of living accommodation without full consideration of the impacts of such an increase in living accommodation through the submission of a formal planning application.

3. Removal of the kitchen within the garage. The reason for this condition is to prevent the garage being used as independent living accommodation that is not ancillary to the main house.

4. Requirement for the drop kerb in front of the garage to be reinstated to footway. This will increase on street parking along Springfield Mount.

Conclusions

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, resulting in a significant intensification of use of the site compared with the current use as a single family household. As referred to in the previous application that was considered by the Planning Committee, 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.

Whilst conditions have been suggested above, the use of conditions will not fully overcome the problems that can arise with allowing the garage to be used as ancillary living accommodation which is not specially restricted to a named person(s). Furthermore, the conditions are dependant on continuous monitoring from the enforcement team.

RECOMMENDATION: Defer the application

CONDITIONS/REASONS:

- (1) Without a special circumstance, the continued use of the garage as additional living accommodation to be used in connection with No. 66 Springfield Mount, would result in an intensification of uses within the site harmful to the amenity of the surrounding area. As such it would be contrary to policies BE2 and BE9 of Brent's Unitary Development Plan 2004.

INFORMATIVES:

None Specified

REFERENCE DOCUMENTS:

Brent's Core Strategy 2010

Brent UDP 2004

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