

LOCATION: Garage to the rear of 8 Chilton Road, Edgware, HA8.
REFERENCE: H/02844/12
WARD(S): Edgware
APPLICANT: Mrs Grace Rashty
PROPOSAL: Use of the garage for storage ancillary to number 12 Chilton Road.

Received: 24 July 2012
Accepted: 07 August 2012
Expiry: 02 October 2012
Final Revisions:

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plan: Location plan.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 The garage the subject of the application shall be used in a manner ancillary and incidental to the use of no. 12 Chilton Road and not for any other purpose, without the prior consent of the Local Planning Authority.
Reason:
To ensure that the variation of the condition would not lead to a detriment to the residential amenity of occupiers of neighbouring properties and to accord with Policies GBEnv1 and D5 of the Unitary Development Plan and Policy DM17 of the adopted Development Management Policies of the Local Development Framework.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).
In particular the following policies are relevant:
Adopted Barnet Unitary Development Plan (2006): GBEnv1 (Character) and D2 (Character).

Core Strategy (Adopted) 2012:
Relevant policies: CS NPPF.

Development Management Policies (Adopted) 2012:
Relevant Policies: DM17.

ii) The proposal is acceptable for the following reason(s): - Having taken all material considerations into account, it is considered that subject to compliance with a condition to define the use as being ancillary and incidental to the use of no. 12 as a dwellinghouse, this proposal complies with the Adopted Barnet UDP and Local Plan policies and would make no change to the character and appearance of the surrounding area. It is considered to not have a detrimental impact on the residential amenities of neighbouring occupiers and no material adverse impact to highway safety.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF 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."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case: GBEnv1 and D5.

Core Strategy (Adopted) 2012:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan (Core Strategy and Development Management Policies documents) is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and

Development Management Policies DPD.

The Core Strategy was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF.

Development Management Policies (Adopted) 2012:

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies (Adopted) 2012: DM17.

Relevant Planning History:

Application:	Planning	Number:	W06070
Validated:		Type:	HSE
Status:	REG	Date:	9/5/79
Summary:	DEL	Case Officer:	Sally Fraser
Description:	Five terraced houses, three garages and three parking spaces..		

Consultations and Views Expressed:

Neighbours Consulted:	8	Replies:	5
Neighbours Wishing To Speak	0		

- Road is small and congested, many heavy lorries coming through would cause major disruption
- Previous use for storage caused obstruction to vehicles, noise early morning and late at night
- This is a quiet residential area and not to be used for business purposes
- Fire hazard from large amount of flammable items stored
- Insufficient access for commercial vehicles may cause damage to parked cars
- May lead to parked vehicles denying access to other garages
- Additional traffic generated may prevent free access for social carers to an elderly, disabled resident

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is that of a lock up garage with a painted metal up-and-over type door. The garage is of normal dimensions to accommodate a single car. The garage is set among two others on a concrete surfaced piece of ground to the side of a terrace of houses on the south-western side of Chilton Road. On the south-western side of Chilton Road are five fairly modern terraced houses numbered consecutively from 8 to 12. On the north-eastern side of Chilton Road are seven houses of "thirties" appearance, numbered consecutively from 1 to 7.

Chilton Road is a cul-de-sac of Manor Park Crescent, near the junction of Manor Park Crescent with High Street, Edgware.

Proposal:

This application seeks to change a condition on a planning permission. In 1979 planning permission (W.6070) was granted for five terraced houses, three garages and three parking spaces. A condition was imposed that the garages should be used only as garages and no vehicles other than private vehicles be housed in the garages. The applicant wishes that one of the garages be used for domestic storage associated with the use of number 12 Chilton Road, other than solely for the parking of private vehicles. The applicant has agreed to the description of the proposal being "Use of the garage for storage ancillary to number 12 Chilton Road."

Planning Considerations:

The application follows action by planning enforcement (ENF/01651/09 refers). The site history is complicated in that it is understood that the owner of no.12 also owns no. 7 and the owner may have used the garage in association with either property in the past. However, a picture which emerges from looking at the history of this matter is that nos. 12 and 7 have been leased out, sometimes in the past to tenants who have at times used the garage in association with their livelihood or trade. The history of the garage having been used by a variety of tenants may have made a number of residents in this cul-de-sac sensitive to any proposal which could be conducted in an inconsiderate way.

The reason for the condition in question as stated on the decision notice is "To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties."

No physical alterations are involved in the proposal. The main issue is whether storage ancillary to the use of a residential property as such would cause an undue impact on occupiers of neighbouring properties or on the use of a public highway.

General Policy GBEEnv1 of the Unitary Development Plan (2006) aims to maintain and improve the character and quality of the environment. Policy D2 of the Unitary Development Plan (2006) aims to ensure compatibility with the established character of existing and adjoining properties and the general location in terms of impact on

neighbouring properties.

Policy CS NPPF of the Core Strategy (2012) states that where there are no policies relevant to the application the council will grant permission unless material considerations indicate otherwise.

Policy DM17 of the Development Management Policies (2012) states that the council will refuse proposals that unacceptably increase conflicting movements on the road network or increase the risk to vulnerable users.

It is considered important to make clear that the variation to the condition being sought would not allow business use of the garage. Enforcement action could be taken if consent were given to the proposal but a business use occurred instead. The variation would allow domestic storage in a manner that many garages are used. The use of the garage for storage ancillary to no. 12 would cause no undue impact on occupiers of neighbouring houses or on the public highway. It would therefore be unreasonable not to grant consent for the application.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Addressed above.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

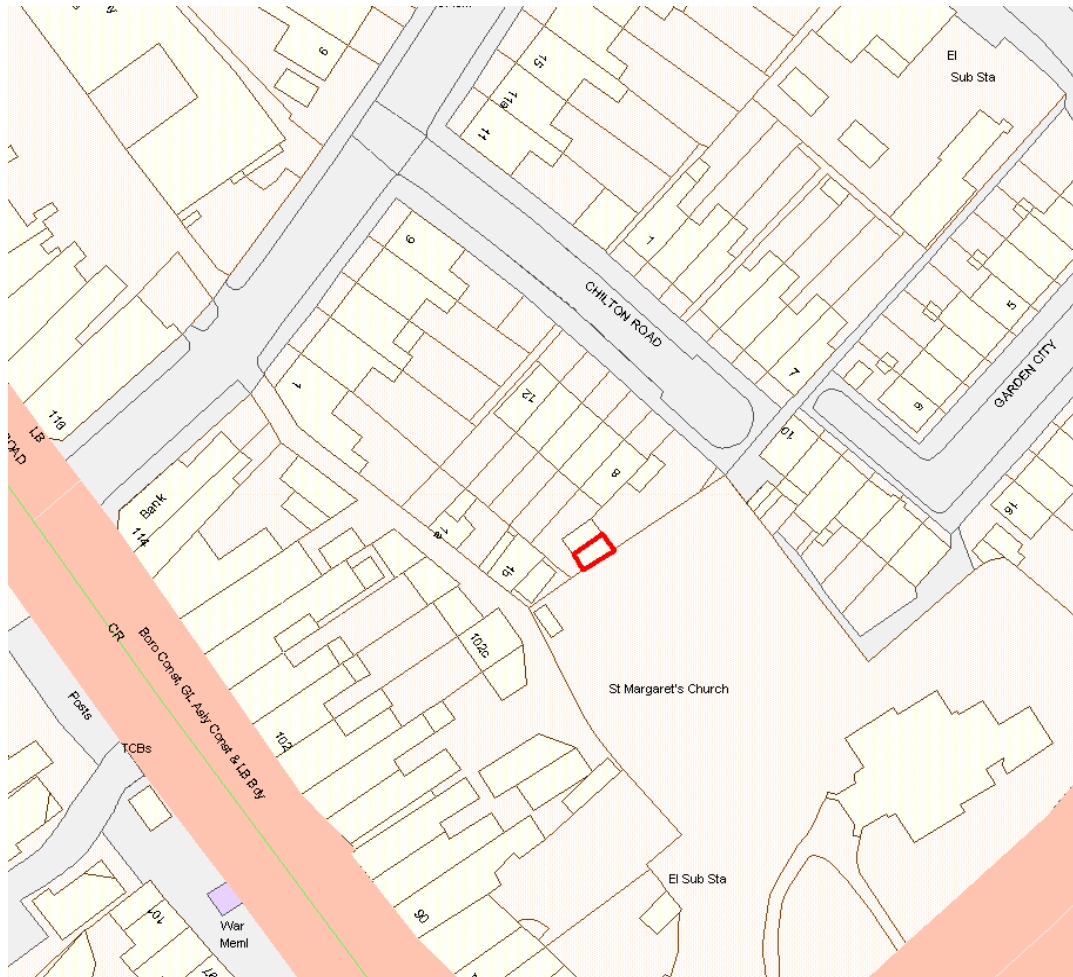
Having taken all material considerations into account, it is considered that subject to compliance with a condition to define the use as being ancillary and incidental to the use of no. 12 as a dwelling house, this proposal complies with the Adopted Barnet UDP and Local Plan policies and would make no change to the character and appearance of the surrounding area. It is considered to not have a detrimental impact on the residential amenities of neighbouring occupiers and no material adverse impact to highway safety. This application is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN:
HA8.

Garage to the rear of 8 Chilton Road, Edgware,

REFERENCE:

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