

LDC Report	21/08/2015
Officer	Application Number
Tony Young	2015/3631/P
Application Address	Recommendation
39 Chester Close North London NW1 4JE	Grant Certificate of Lawfulness (Existing)
1st Signature	2nd Signature (if refusal)
Proposal	
Conversion of internal garage to additional habitable accommodation for an existing dwelling house (Class C3) with associated external alterations involving the replacing of the rear garage door with a new rear door.	
Assessment	
<p>The application site is a 3-storey mid-terrace property in Chester Close North located within a low-rise housing estate between Albany Street to the east and Chester Terrace to the west.</p> <p>The building is not listed but sits within the Regents Park Conservation Area (adopted July 2011).</p> <p>The application for Certificate of Lawful Development (existing) relates to the following conversion and building works that began or were substantially completed on 14/06/2013:</p> <p><u>Works of conversion</u></p> <p>Conversion of internal garage to additional habitable accommodation.</p> <p><u>Rear elevation</u></p> <p>Removal of rear garage door and replacement with a new door.</p> <p>A certificate is sought on the basis that the conversion does not amount to a change of use and is not in breach of any condition, and that any external changes do not materially change the appearance of the property.</p> <p>Applicant's submission</p> <p>The applicant has submitted the following plans and information in support of the application:</p> <ul style="list-style-type: none"> • Site location plans (1:500 & 1:1250) dated 25/06/2015; • Drawings dated 25/06/2015 & labelled: Ground Floor Plan (Page 1 of 3), Front & Rear Elevations (2 of 3), Original and Proposed Images (3 of 3); • Cover letter from Hedley Clark Ltd dated 24/06/2015. 	

Planning history

There is relevant planning history but no relevant enforcement action on the subject site.

TP83037/11226 – Planning permission granted for the erection of shops, maisonettes, flats, houses and garages and the conversion of existing houses at Chester Terrace, Chester Terrace Mews and Albany Street, St. Pancras. Granted 23/10/1959.

TP83037/16643 - Planning permission granted for the erection of a six-storey building including basement for use as ten shops and seven lock-up garages on the ground floor and fifty two-roomed self-contained flats on first to fourth floors over and a garage for seventy-five cars at basement level forming Area Two, Chester Terrace, Chester Terrace News and Albany Street, St. Pancras. Granted 29/11/1961.

TP83037/8179 - Planning permission granted for the erection of 19 dwelling-houses and six lock-up garages at Area One, Chester Terrace, Chester Terrace Mews and Albany Street, St. Pancras. Granted 05/08/1961.

2010/1975/P – (no. 33) Certificate of lawfulness (proposed) for the conversion of internal garage to additional habitable accommodation to single family dwelling house (Class C3) with associated external alterations. Granted 02/07/2010.

2013/6451/P – (no. 41) Certificate of lawfulness (proposed) for the conversion of garage to create a habitable room and associated external works to the front and rear elevation. Granted 09/12/2013

Assessment

With regard to the conversion of the internal garage, Condition 5 of planning permission dated 05/08/1961 (ref. TP83037/8179) states that, "*The garages shall not be used for any purposes other than those incidental to the enjoyment of the dwelling house and no trade or business shall be carried out therefrom*".

The conversion of the garage to habitable residential accommodation is for the purposes and use of the existing occupiers, and as such, it is considered that the area previously occupied by the internal garage continues to remain incidental to the enjoyment of the occupiers of the dwelling, and therefore, complies with condition 5 and is not a change of use. This view is supported by the granting of two previous lawful development certificates by the Council for similar conversions at nos. 33 & 41 Chester North Road (see above) where the officers concluded that "*this condition (condition 5) is not considered to prevent the conversion of the garage from car-parking to habitable accommodation being carried out as permitted development...*".

With regard to the external alterations involving the replacement of the rear garage door, Section 55 (2) of the Town and Country Planning Act 1990 '*Meaning of "development" and "new development"*' states that alterations that '*do not materially affect the external appearance of the building*' do not constitute development.

Given that the alterations involving the insertion of the new timber door are in materials and form similar to the garage door that has been replaced, along with the fact that the size of the door and opening remain unchanged, it is considered that the alterations do not materially affect the

external appearance of the property, and as such, do not constitute development and for which planning permission is not required.

Recommendation: Approve