

**3/09/0643/FP – Detached annexe at 47 Cozens Road, Ware, SG12 7HJ
for Mr S Rowe**

Date of Receipt: 29.04.09

Type: Full

Parish: WARE

Ward: WARE - CHRISTCHURCH

Reason for report: Contrary to Policy

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:-

1. Three Year Time Limit (1T121)
2. The annexe hereby permitted shall not be occupied at anytime other than for purposes ancillary to the residential use of the main dwelling house within the application site.

Reason: To ensure the Local Planning Authority retains control over any future residential development and in accordance with Policy ENV8 of the East Herts Local Plan Second Review.

3. Materials of construction (2E113)
4. The proposed windows in the rear (western) elevation shall be non-opening and be fitted with obscured glass, and shall be permanently retained in that condition.

Reason: To safeguard the privacy of the occupiers of nearby residential properties in accordance with policy ENV1 of the East Herts Local Plan Second review April 2007.

Directives

1. Other legislation (010L)
2. Groundwater Protection Zone (28GP)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review 2007), and in particular ENV1, ENV5, ENV6, ENV8 and TR7. The balance of the considerations having regard to those policies is that permission should be granted.

1.0 Background

- 1.1 The application site is shown on the attached OS extract. Number 47 Cozens Road is a semi-detached dwelling located within the built up area of Ware. The dwelling, like many of the adjoining properties, has no allocated off street parking provision.
- 1.2 The current proposal seeks planning permission for a detached residential annexe building that would be sited to the rear of the garden, some 14 metres from the existing dwelling.
- 1.3 The building would comprise a rectangular outbuilding which would be sited 1 metre from the rear boundary and 0.5 metres from the side boundaries with the neighbouring properties. The footprint of the building measures 4.5 x 6.5 metres and the building would have a pitched roof reaching a maximum of 4 metres in height. The building is proposed with a bedroom, a lounge, a shower room and a lobby entrance. The annexe would share the kitchen and the garden area of the main dwelling.
- 1.4 The applicant intends to live in the annexe, whilst the house would be occupied by his grand-daughter and her family who provide the applicant with a level of care.

2.0 Site History

- 2.1 There is no relevant planning permission relating to this application, however a planning application for a 2 storey rear extension is currently being considered under lpa 3/09/0644/FP. This later application is due to be determined under delegated powers prior to the committee meeting.

3.0 Consultation Responses

- 3.1 Three Valleys Water have confirmed that the site lies within an area located within the groundwater source protection zone and that works should be undertaken in accordance with the relevant British Standard and Best Management Practices.
- 3.2 The Councils Environmental Health Section have advised that any permission shall include conditions for construction hours of working, air quality and in respect of refuse facilities.

4.0 Town Council Representations

4.1 Ware Town Council object to the proposed on grounds of overdevelopment and out of keeping with the area.

5.0 Other Representations

4.1 The application has been advertised by way of a discretionary site notice and neighbour notification. One neighbour letter has been received raising concerns in respect of overlooking.

6.0 Policy

6.1 The relevant policies of the East Herts Local Plan Second Review April 2007 are:

ENV1	Design and Environmental Quality
ENV8	Residential Annexes
TR7	Car Parking Standards
ENV5	Extensions to dwellings
ENV6	Extensions to dwellings - Criteria

7.0 Considerations

7.1 The site lies within the town boundary of Ware, wherein there is no objection in principle to development.

7.2 The determining issues in this case relate to a) Local Plan policy regarding residential annexes (policy ENV8), b) the impact of the proposed development on the character of the area and c) parking and neighbour amenity issues.

7.3 Policy ENV8 of the Local Plan states that residential annexes will be permitted within the main towns where the accommodation forms an extension to the main dwelling; is capable of being used as an integral part of the dwelling; has sufficient parking; and accords with policies ENV5 and ENV6 of the Local Plan.

7.4 The proposed annexe in this case, however, is detached from the dwelling and does not form an extension of it as required by part a) of Policy ENV8. The proposal therefore represents a departure from Policy ENV8 in that respect and it is for this reason that the application has been reported to the Development Control committee.

- 7.5 Despite not forming an extension to the dwelling, Officers consider that the annexe would be sited in an appropriate location in relation to the main dwelling and would therefore be capable of being used as an integral part of the use of main dwelling on the site. The sharing of the garden area, access and the orientation of the annexe, facing inwards towards the dwelling, would ensure that a good relationship is maintained between the dwelling and the annexe. Officers consider that due to the limited space and lack of kitchen area the use of the annexe would remain dependent upon the main dwelling and a condition to require the use to be ancillary to the existing residential unit would be sufficient to control its use and prevent the annexe being used as an independent unit.
- 7.6 In this instance it is considered by Officers that the annexe would not conflict with the aims of Policy ENV8 to provide accommodation for dependent relatives within the curtilage of an existing house and that it would not be detrimental to the surrounding area.
- 7.7 Policy ENV8 expects there to be sufficient parking for both parts of the dwelling at the site. There is no allocated off street parking provision for this property; however given that the application is for a modest one bed annexe, it is not considered that this development would increase on street parking pressures to an unacceptable level. From a site visit it is noted that there is some on-street parking available for local residents.
- 7.8 The potential for the annexe to be used as an independent dwelling is limited, given the size of unit and access to it and close relationship with the existing dwelling. In any event, the use of the annexe can be sufficiently controlled by the recommended condition to require the building to be used for purposes ancillary to the main dwelling.
- 7.9 The main dwelling itself has not benefited from previous extension, although as outlined in Para. 2.1 there is a current planning application being considered for a 2storey rear extension. Even were this extension to be granted planning permission, Officers consider that the plot size would adequately accommodate an annexe building of this size and siting without resulting in an overdevelopment of the site.
- 7.10 In terms of the impact upon neighbour's amenity, the annexe building would have a low pitched roof with an eaves height of 2.5 metres and a maximum ridge height of 4 metres. Given the modest size of the annexe and appropriate siting Officers consider that it would not appear unduly obtrusive or have any significant harm on the living conditions of the

neighbouring occupiers. A condition is however suggested to ensure that the proposed windows in the rear elevation of the building are fixed shut and obscure glazed to prevent any overlooking or loss of privacy to nearby properties.

8.0 Conclusion

- 8.1 The proposed annexe as a detached building from the main dwelling, although contrary to part a) of Policy ENV8 would not, in the view of Officers be inappropriately located in relation to the existing house or be detrimental to the character and appearance of the area. It is considered that it would not conflict with the aims of Policy ENV8 to provide accommodation for dependent relatives and could not function as an independent unit of accommodation. Furthermore, it would not be detrimental to the amenities of the neighbouring dwellings.
- 8.2 Having regard to the above considerations it is recommended that planning permission is approved subject to the conditions at the head of this report.