

5j 3/11/1900/FP – Erection of new self contained garden room and extension to utility room of main dwelling at 49 Maze Green Road, Bishop’s Stortford, CM23 2PG for Mr S Cook

Date of Receipt: 01.11.2011

Type: Full - Other

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD – SILVERLEYS

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 dwelling known as 49 Maze Green Road.

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. Samples of materials (2E123)
4. Approved Plans (2E102) 1656-P-100, 1656-P-101, 1656-P-102, 1656-P-103 Rev B, 1656-P-104 Rev B, 1656-P-107 Rev A, 1656-P-108.

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies ENV1, ENV5, ENV6, ENV8 and LRC9. The balance of considerations having regard to those policies and that the proposed annexe building would not conflict with the aims of policy ENV8 is that permission should be granted.

_____ (190011FP.MP)

1.0 Background:

- 1.1 The application site is shown on the attached OS map. It consists of a large detached dwelling with brown bricks and fenestration. The property benefits from a large driveway with detached double garage to the front of the plot. The dwelling itself is set further into the site, some 25 metres

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from the road frontage. A public footpath runs to the west of the application site.

- 1.2 The application proposes the provision of a detached building for use as a self contained garden room. The building is proposed to be sited 4 metres to the rear of the existing dwelling. It is sited adjacent to the public footpath and is rectangular in shape, with a depth of 10 metres and width of 4 metres. The existing garden is similar in proportions to other gardens within the locality and projects some 20 metres or so to the south.
- 1.3 As noted above, the applicant proposes a self contained garden room. The plans show a living space, small kitchenette, store and bathroom. The plans show the building to have primary living accommodation such that the building can be considered as a self contained annex.
- 1.4 Also proposed as part of the planning application is the provision of a rear extension to the dwelling. The property currently benefits from a side projection forming a utility room with a lean to roof. That addition is set 900mm in from the rear elevation of the property and the application proposes to extend that element of the property to meet the rear building line with an extension identical in proportions and materials to the existing dwelling.

2.0 Site History:

- 2.1 Planning permission was granted within LPA reference 3/97/1736/FP for single storey front and rear extensions and a dormer window to the front elevation.

3.0 Consultation Responses:

- 3.1 Herts Biological Record Centre indicate that they will not be commenting on the planning application.

4.0 Town Council Representations:

- 4.1 Bishop's Stortford Town Council make no objection to the development.

5.0 Other Representations:

- 5.1 The application has been advertised by way of site notice and neighbour notification.
- 5.2 One letter of representation has been received from the Local Footpath

Secretary for Bishop's Stortford, who raises concerns with the impact on the footpath adjacent to the site during and after construction. The concern relates to the impact on the footpath as a result of water discharging onto the footpath and making it muddy.

6.0 Policy:

6.1 The relevant 'saved' Local Plan policies in this application include the following:

- ENV1 Design and Environmental Quality
- ENV5 Extensions to dwellings
- ENV6 Extensions to dwellings - Criteria
- ENV8 Residential Annexes
- LRC9 Public Rights of Way

7.0 Considerations:

7.1 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 issues. The application also proposes a rear/side extension and it is therefore appropriate to consider the impact of that extension on the character and appearance of the dwellinghouse and neighbour amenity.

Annex building

7.2 Policy ENV8 of the Local Plan states that residential annexes will be permitted 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.

7.3 The proposed annexe in this application, involves a separate building from the dwellinghouse, with primary living accommodation including a bathroom, kitchen and living space which makes it capable of being used independently from the main dwelling house. It has all the attributes of an annex. However, it does not form an extension to the main house, as required by part a) of Policy ENV8(I). 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.

7.4 Despite not forming an extension to the dwelling, Officers consider that the annexe proposal in this application would be sited in an appropriate

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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. Officers recognise that the level of accommodation for the annex is modest and would require some degree of dependence on the main dwelling. In addition, the proposed level of accommodation is considered to be appropriate for an annex use. Taking this into account and with regard to the juxtaposition of the building with the dwelling house, Officers are of the opinion that the annexe will be used as an integral part of the main dwelling.

- 7.5 The sharing of the garden area, parking, access and the siting of the annexe with the dwelling, ensures that a good relationship is maintained between the dwelling and the annexe. Officers consider that 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 within the curtilage of an existing house that 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 a significant front driveway space that can accommodate a number of vehicles and Officers are therefore satisfied that there is sufficient provision for parking.
- 7.8 The main dwelling itself has benefited from previous extensions. However, taking into account the proportions of the proposed annexe building, Officers consider that the plot size would adequately accommodate an annexe building of this size and siting, together with the extensions to the dwelling without resulting in an overdevelopment of the site. The proposal would therefore not conflict with policies ENV1 or ENV5 of the Local Plan.
- 7.9 In terms of the appearance of the development, the building proposed is brick built with a footprint of some 40 square metre. The height of the building is at 4.5 metres. However, it is proposed to be set down within the existing levels so that its height, from the adjacent public footpath will be reduced to 3 metres. That height, the distance to the boundary of one metre and the presence of existing boundary treatment will result in a reduced visual impact from the public footpath and the surroundings. Fenestration is proposed to face into the garden which, in combination with the proportions, design, form and scale of the building, is considered

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to be in keeping with the proportions and character of the existing dwelling.

Neighbour amenity

- 7.10 The main considerations in respect of matters of neighbour amenity relate to numbers 51 and 47 Maze Green Road. With regards to the impact on number 51, as noted above the building is located one metre from the boundary with the public footpath in between the boundary of the application site and that neighbouring property. No window openings are proposed on the elevation fronting the neighbouring property. Having regard to those considerations, Officers do not consider that the proposed development will result in significant harm to the amenity of those neighbouring properties.
- 7.11 With regards to the impact on No. 47, the proposed building is located some 15 metres or so from the boundary with the neighbour. In addition, any views of the proposed building from that neighbouring property are reduced by the siting of the neighbouring properties building, which is set forward from the front building line of the property in the application site. Having regard to those considerations, Officers do not consider that the proposed development will result in significant harm to the amenity of No.47 Maze Green Road.

Public Right of Way

- 7.12 The comments received from the Local Footpath Secretary for Bishop's Stortford are noted. However, Officers are of the opinion that the proposed building is set an adequate distance from the boundary with the footpath such that there will not be a significant impact on the right of way. Matters of drainage for the building are not a planning matter, but a matter dealt with under building regulations.

Extension to dwelling

- 7.13 The proposed rear extension is modest and infills in-between an existing side appendage and the rear building line of the dwelling. This involves a 0.9metres projection with a design, form and scale of extension which will assimilate with the existing side appendage. Officers therefore consider that this element of the proposal will not result in significant harm to the character and appearance of the dwellinghouse, in accordance with policies ENV5 and ENV6 of the Local Plan.
- 7.14 The modest proportions of the extension to the dwelling and its location and distance to the neighbouring property are such that it will not result

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in significant harm to neighbour amenity.

8.0 Conclusion:

- 8.1 The proposed annexe as a detached building from the main dwelling, although contrary to part a) of Policy ENV8 (I) 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. In addition, the proposed outbuilding will not result in significant harm to neighbour amenity or the public right of way.
- 8.2 The proposed extension to the dwelling is modest and will not result in significant harm to the character or appearance of the dwelling or neighbour amenity.
- 8.3 Having regard to the above considerations it is recommended that planning permission is granted subject to the conditions at the head of this report.