

5L 3/12/0179/FP – Construction of self contained annexe at 6 Kingsmead Road, Bishop’s Stortford for Mr R Malyon

Date of Receipt: 31.1.2012

Type: Full - Other

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD – MEADS

RECOMMENDATION:

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

1. Three Year Time Limit (1T121)
2. The annexe hereby permitted shall only be occupied by persons in connection with and ancillary to the occupation of the dwelling house, known as 6 Kingsmead Road and for no other purpose at any time.

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 (2E12)
4. Approved Plans (2E10) 01, 02, 03.

Directives:

1. Other Legislation (01OL)
2. Ownership (02OW)
3. Party Wall Act (24PW)

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, in particular policies ENV1, ENV5, ENV6, ENV8 and TR7) and the National Planning Policy Framework. The balance of considerations having regard to those policies; that the proposed annexe building would not conflict with the aims of policy ENV8 and the amendments made to LPA reference 3/08/1221/FP is that permission should be granted.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract. Number 6 Kingsmead Road forms a semi-detached dwelling located within the built up area of Bishop's Stortford. The dwelling fronts the highway and has a small driveway that can accommodate 2 vehicles.
- 1.2 The current proposal seeks planning permission for a detached residential annexe building that would be sited within an extended garden area in a position that would be approximately 13metres from the rear elevation of the main dwelling.
- 1.3 The proposed building would be sited in the north western part of the rear garden, measuring a length of 11.3 metres and a width of 4 metres. The proposed building would retain between 0.4 and 1.7 metres to the western site boundary and 0.4 metres to the northern boundary. The building would have a pitched roof reaching a maximum height of 3.6 metres.
- 1.4 The building is proposed with 1 bedroom, a reception with a kitchen area and a shower room. The annexe would share the garden area and parking spaces of the main dwelling. Although the site could be accessed from Kingsbridge Road that leads up to the western boundary of the site, this is not within the applicant's ownership and is not proposed to be used as part of this application. The applicant intends for the annexe to be used by his daughter.

2.0 Site History:

- 2.1 Permission was refused most recently under LPA reference 3/08/1221/FP for the construction of a detached annexe building.
- 2.2 Planning permission was granted in 2004 under LPA reference 3/04/1334/FP for a rear extension.
- 2.3 Permission was granted for a single storey rear extension in 1991 LPA reference 3/91/0059/FP.
- 2.4 In 1986 permission was granted under LPA reference 3/86/1509/FP for a 2 storey side extension to the property.

3.0 Consultation Responses:

- 3.1 Environmental Health recommend permission is granted subject to several conditions.

4.0 Town Council Representations:

4.1 Bishop's Stortford Town Council object to the proposed development because it is a stand alone development and therefore not an annexe. Concerns are also raised because the annexe would be occupied by a daughter and not an elderly relative.

5.0 Other Representations:

5.1 The application has been advertised by way of a discretionary site notice and neighbour notification.

5.2 5 letters have been received from neighbouring residents. The concerns raised are summarised as follows:

- Inadequate parking provision;
- Impact upon the neighbours outbuilding that is built up to the boundary of the site which may become damaged during construction works;
- Potential use of access from Kingsbridge Road - along a jointly owned private track which is narrow and unsuitable for access;
- Potential use of annexe as a separate dwelling.

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
- TR7 Public Rights of Way

7.0 Considerations:

7.1 The determining issues in this case relate to:

- Local Plan policy regarding residential annexes (policy ENV8);
- the impact of the proposed development on the character of the area;
- parking and amenity issues.

The application should also sufficiently address and overcome the reason for refusal within LPA reference 3/08/1221/FP. Members may

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recall that this application for a detached annexe was refused by Members in October 2008 for the following reason:

- *‘The proposed development has the potential to be occupied as a separate residential unit due to its distance from the existing dwelling and the ability for separate access to be created. As a result, it has the potential to be harmful to neighbouring residential amenity and therefore contrary to Policy ENV8 of the East Herts Local Plan Second Review April 2007’.*

- 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. 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. 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 proposed annexe would be sited in an appropriate location in relation to the main dwelling. Members previously raised concerns that due to its distance from the existing dwelling and the ability for separate access to be created, the building could be occupied as a separate residential unit.
- 7.5 To overcome these previous concerns, the applicant has re-sited the proposed annexe. The building will now be sited parallel to the western boundary of the site and adjacent to the private access road from Kingsbridge Road, the end of which is located to the west of No6’s rear garden. Members previously raised concerns that due to the siting of the annexe, a separate access could be created along this private access road which would potentially allow the annexe to be used as a separate residential unit. Due to the siting of the annexe within this application, a separate access could no longer be created. The rear elevation of the annexe has been sited against the western boundary, which has no openings in. The relocation of the annexe also means that it is now sited nearer to the main dwellinghouse and would be within 13 metres of the rear elevation of the property (previously it was proposed to be some 16.5 metres away).

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- 7.6 For these reasons Officers consider that the proposed annexe sufficiently addresses the previous reason for refusal within LPA reference 3/08/1221/FP and Members concerns that the annexe could be used as a separate residential unit. Officers consider that due to its siting and the proximity of the annexe to the main dwelling, it would be used as an integral part of the use of main dwelling on the site.
- 7.7 The sharing of the garden area, access and the relationship of the annexe to the main 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. Furthermore, it should be noted that if it were proposed in the future for the annexe building to be used as a separate dwellinghouse, whether sold or rented, planning permission would be required for this.
- 7.8 In terms of the appearance of the development from outside the site, the annexe building would have a low pitched roof with an eaves height of 2.3 metres and a maximum height of approximately 3.6 metres. As such, only approximately 1.8 metres of the roof would be visible above a standard 1.8 metre boundary fence. It is accepted that the declining land levels from south to north across the site, towards the bungalows in Kingsbridge Road, would increase the prominence of the building from those neighbouring dwellings. However, having regard to the intervening distance between those properties (which is approximately 29 metres) and the proposed building, together with its restricted size and height, Officers consider that it would not appear unduly obtrusive or have any significant harm on the living conditions of the neighbouring occupiers.
- 7.9 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.
- 7.10 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.

Highway Safety and Parking

7.11 Policy ENV8 expects there to be sufficient parking for both parts of the dwelling at the site. The site has a front driveway that can accommodate up to two vehicles. In addition some on-street parking is available for local residents which is controlled by a permit scheme. The existing dwelling has 4 bedrooms and the proposed annexe would create an additional bedroom. The maximum parking standards for a 5 bedroom dwelling in this location, as outlined within Appendix II of the Local Plan is 3 spaces. With consideration for the maximum standards set out within Appendix II of the Local Plan, Officers consider the parking provision made at the site to be acceptable.

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. Furthermore, it would not be detrimental to the amenities of the neighbouring dwellings.

8.2 Having regard to the above considerations and the amendments made following the refused application LPA reference 3/08/1221/FP, and in particular the new location of the annexe in relation to the private access road and the existing dwellinghouse, it is considered the proposed building has sufficiently addressed and overcome the previous refusal. It is recommended therefore that planning permission is approved subject to the conditions at the head of this report.