

**3/14/0016 /FP – Erection of residential annexe (building previously approved as garage under ref: 3/10/1997/FP) at 5 Bluebell Walk, Sawbridgeworth, Hertfordshire, CM21 0JQ for Mr S Grayston**

**Date of Receipt:** 14.02.2014

**Type:** Full – other

**Parish:** SAWBRIDGEWORTH

**Ward:** SAWBRIDGEWORTH

**RECOMMENDATION**

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

1. Three Year Time Limit (1T12)
2. Approved Plans (2E02) insert:- '10/019/TP01b A1'
3. The building to which this permission relates shall be occupied only as an annexe to the existing dwelling known as 5 Bluebell Walk, and shall be used only for purposes ancillary to the residential use of that dwelling. At no time shall the new building be used as a separate independent dwelling.

Reason

To enable the local planning authority to effect proper control over the future use of the premises, to retain the ancillary use of the accommodation and having regard to the policies within the Green Belt in accordance with policy GBC1 of the adopted East Herts Local Plan April 2007 and the policies of the NPPF.

**Directives:**

1. Other legislation (01OL)

**Summary of Reasons for Decision**

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies 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. It comprises a detached dwelling on the western side of the cul-de-sac of Bluebell walk and has a rear garden which runs behind the houses fronting High Wych Road to the north.
- 1.2 This proposal is retrospective in nature and seeks permission for the erection of a residential annexe to the rear of the above dwelling. Planning permission was originally granted for the change of use of the land at the rear of the site to residential use, together with a detached garage and a driveway (LPA ref: 3/10/1997/FP). This permission has been implemented. However, the building has been constructed not as a garage, but as an annexe as detailed on the submitted plans accompanying this current application. The current application therefore seeks permission for the erection and use of the building as a residential annexe.
- 1.2 The application site is located within the Green Belt, outside of the settlement boundary of Sawbridgeworth.

## **2.0 Site History**

- 2.1 The relevant planning history for the site is as follows:-
- 3/04/2553/FP – Erection of 6 detached houses (Refusal)
  - 3/05/1525/FP - Demolition of 113 High Wych Road & formation of access and erection of 6 No. detached houses (Refused)
  - 3/06/1189/FP - Demolition of 113 High Wych Road and construction of an access drive. Erection of 5 No detached one and a half storey dwellings and 1 detached two storey house to replace No 113. - Amended Scheme (Approved)
  - 3/06/2207/FP - Erection of 5 detached houses (Approved)
  - 3/07/0044/FP - Erection of 6 Detached Houses (Approved)
  - 3/07/2548/FP - Erection of entrance gates to existing development (Approved)
  - 3/10/1997/FP – Change of use of land to form residential curtilage and detached double garage (Approved)
- 2.2 Following the grant of permission for the garage building, a further application under ref; 3/11/1963/FP was submitted seeking permission for the erection of a new dwelling in rear garden. This was however refused as inappropriate development in the Green Belt.

### **3.0 Consultation Responses**

3.1 No statutory consultations were required in this case.

### **4.0 Town Council Representations**

4.1 Sawbridgeworth Town Council strongly objects to this application. They comment that this application should not be permitted but tough planning conditions or a legal agreement be sought under ENV8 Residential Annexes (III) needs to be imposed to ensure that the occupation of this annexe remains tied to the main dwelling.

### **5.0 Other Representations**

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

5.2 Three letters of objection have been received which comment that: the proposed development is contrary to policy GBC1 since there are no special circumstances for development in the Green Belt; the building is much smaller than surrounding buildings and therefore does not compliment its surroundings; loss of privacy to numbers 3 and 4 Bluebell Walk, and number 199 High Wych Road; noise and disturbance from construction work; highway safety implications; and noise disturbance from additional traffic generation.

5.3 One letter of support has been received commenting that the use as an annexe for a dependant relative is sensible. The building outline will not change and therefore there are no grounds for neighbours to feel any loss of amenity.

5.4 Councillor Beeching raises an objection to this proposal and comments that the Bluebell Walk complex of houses was carefully designed and planned to be the number of houses that it is. This application makes a mockery of all previous planning considerations, and it should be refused'.

### **6.0 Policy**

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

- GBC1 – Appropriate Development in the Green Belt
- ENV1 – Design and Environmental Quality

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- ENV5 – Extensions to Dwellings
- ENV6 – Extensions to Dwellings – Criteria
- ENV8 – Residential Annexes
- TR7 – Car Parking Standards

6.2 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also material considerations in the determination of this application.

## 7.0 Considerations

### Principle of development

- 7.1 Policy GBC1 of the Local Plan and the National Planning Policy Framework, set out the forms of development that are considered to be appropriate development in the Green Belt. These included limited extensions or alterations to existing dwellings. Policy ENV5 of the Local Plan states that permission will be granted for such extensions provided that the character, appearance and amenities of the dwelling and any adjoining dwellings would not be significantly affected to their detriment. In addition, the policy indicates that outside of the main settlements and the category 1 and 2 villages, the erection of outbuildings will be expected to be of a scale and size that would either by itself, or cumulatively with other extensions, not disproportionately alter the size of the original dwelling nor intrude into the openness or rural qualities of the surrounding area.
- 7.2 Members will note that a similar building to that currently proposed was granted planning permission in 2010 as a garage building, together with the change of use of the land to residential use (LPA ref: 3/10/1997/FP) and this is a material consideration in the determination of this application. It was considered that the proposed change of use of the land to residential use and the subsequent domestic activities and paraphernalia that would result from this type of use would not be likely to adversely impact upon the character and appearance of the local area, which comprises of residential development. In addition, taking into consideration the modest size of the garage in relation to the existing dwelling, together with its limited height and simple form, it was considered that the proposed development would be appropriate development within the Green Belt, in accordance with policies GBC1 and ENV5 of the Local Plan.
- 7.3 The current building, subject of this application, is of the same size, scale and siting as that approved under 3/10/1997/FP. The changes proposed

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relate to the fenestration of the building, i.e. the removal of the garage doors from the design and the introduction of domestic doors and windows. The internal arrangements are also proposed to be altered to allow the use of the building as an annexe.

- 7.4 The principle of a building of this size in this location has already been established by the grant of permission for application ref: 3/10/1997/FP and Officers consider that there can be no grounds to refuse this current application based on the impact of the building itself on the surrounding area.
- 7.5 The determining issue therefore, in relation to this current application, is whether the use of the building as an annexe is acceptable. Policy ENV8 of the Local Plan allows the development of annexes through the extension of a dwelling or the conversion of an existing outbuilding. Whilst the erection of a new building to be used as an annexe is not explicitly referred to in policy ENV8, the policy does not state that other types of annexe are necessarily unacceptable or should be refused. They must be considered on their own merits. Consideration should therefore be given to whether the building and its use will have an adverse effect on the character or appearance of the local landscape; and whether sufficient space to park vehicles for both parts of the dwelling in accordance with adopted standards, is available and appropriately located in design terms, within the curtilage.

#### Ancillary nature of the building

- 7.6 With regard to the ancillary nature of this building, it is noted that concerns have been raised that this building is to be used as a separate residential building, not ancillary to the main dwellinghouse and the possible effects of such a use. The description of the application does not however seek permission for the use of the building as a separate dwelling and Members are reminded that the application must be determined based on the proposed development sought. Furthermore, the use of the building as a separate residential unit would be materially different to the use now proposed and a separate planning permission would be required for such a use. In any event, Officers consider that the use of the building as an annexe can be controlled by condition.
- 7.7 Whilst the building is located at the far western end of the garden, it is considered that, having regard to the layout of the site and the lack of facilities proposed within the annexe (such as kitchen facilities) that it would be able to function as part of the main dwelling on the site rather than as separate accommodation. If it were later to be used independently from the main dwelling, then planning permission would

be required for that change of use and therefore the Council would be able to consider that matter if and when that becomes necessary. Members will also be aware that the Council has enforcement powers to prevent the use of the building as a separate dwelling should that become necessary.

- 7.8 However, the current application must be considered as submitted – as an application for an annexe to the main house on the site. Members may recall an appeal decision issued in September 2013 in relation to an annexe proposed at 32 Cannons Meadow, Tewin. In that case, the Council refused permission for the separate annexe on the basis that it would be tantamount to the provision of a separate dwelling on the site. The appeal was, however, allowed and the Inspector concluded that the appellants were entitled to a decision based on the application that had been made – i.e. for an annexe, and that a decision must be made on that basis. The Inspector went on to say that they appreciated the Council's concern about the potential for the building to be used separately, either now or in the future, but this would be subject to separate planning control. In any event, they stated that the use of the building could be controlled by condition.

Impact on character and appearance of locality

- 7.9 With regard to the impact on the character and appearance of the building on the locality, Officers consider that the material difference in the appearance of the building is not significant when compared to that approved under LPA ref: 3/10/1997/FP. Whilst the change in fenestration results in a more residential appearance to the building, this does not necessarily detract from the appearance of the residential setting of Bluebell Walk and High Wych Road. The size, scale and siting of the building is still considered to be acceptable in accordance with policies GBC1, ENV1 and ENV5 of the Local Plan.

Parking provision

- 7.10 The application dwelling has 5 bedrooms and the proposed annexe is to have 1 bedroom. With regard to policy TR7 and Appendix II of the Local Plan, this proposal should have a maximum provision of 3 spaces. With regard to the submitted plans, it is noted that 4 off road spaces could be provided within the site, together with sufficient room for the vehicles to turn and leave in a forward gear. For this reason this proposal accords with the parking requirements of the Local Plan.

Residential Amenity

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- 7.11 With regard to loss of light or overbearing issues, since the size, scale and siting of this building remains unchanged from that approved under 3/10/1997/FP, Officers continue to recommend that this building would not cause harm by reason of loss of light or overbearing impacts.
- 7.12 With regard to the protection of the privacy of the occupants of number 4 Bluebell Walk, whilst the north-facing elevation of the building has two large bi-folding doors, the outlook from these doors will be restricted by the existing boundary fence. In addition, the doors are located approximately 30 metres from the rear of this neighbour's dwelling resulting in minimal scope for overlooking from either building.
- 7.13 With regard to the occupants of number 119 High Wych Road, it is noted that a bedroom window and an en-suite window will face this neighbouring dwelling. However, the scope of viewing from both buildings is restricted by the existing 1.8 metre high boundary fence and the distance of approximately 25 metres separating the properties.
- 7.14 Consideration has also been given to the increase of the use of the driveway and the turning area with regard to harm to the enjoyment of the amenities of the occupants of the neighbouring dwellings. Some degree of harm will be caused by the additional movements of vehicles entering and leaving the site, but the extent of movements would not be excessive or a significant departure from the consideration of vehicular movements with regard to LPA ref: 3/10/1997/FP. For this reason it is considered to be unreasonable to refuse the application on this basis.
- 7.15 For the above reasons Officers recommend that this proposal accords with the amenity considerations of the Local Plan.

### **8.0 Conclusion**

- 8.1 Whilst Officers acknowledge the objections raised, for the reasons outlined above, it is recommended that the development of an annexe would not constitute inappropriate development in the Green Belt. The proposed annexe accommodation is considered to be ancillary to number 5 Bluebell Walk. It is to have minimal impact upon the character and appearance of the locality and will have sufficient parking provision within the curtilage of the dwelling. The proposed annexe would additionally not cause harm to the enjoyment of the neighbouring dwellings.
- 8.2 For the above reasons Officers therefore recommend approval for this application, subject to the conditions as detailed at the head of this report.