

3/14/0494/FP – Construction of detached annexe at The Haven, Albury Road, Little Hadham SG11 2DW for Mrs Holdgate

Date of Receipt: 26.3.2014

Type: Full - Other

Parish: LITTLE HADHAM

Ward: LITTLE HADHAM

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 The Haven and not as a separate residential unit or for any 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. Approved Plans (2E10) 0137-09-13/01A, 0137-09-13/02A, 0137-09-13/03A and 0137-09-13/04A
4. Materials of Construction (2E11)

Directive:

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 and the alterations to LPA reference 3/13/1970/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. The site lies within the Category II Village of Little Hadham and within the Rural Area beyond the Green Belt. The Haven is a detached bungalow set above street level. Vehicle access to the dwelling is via an access drive which is sited to the south west of the property and shared with the neighbouring property known as Millglen.
- 1.2 The current proposal seeks planning permission for a detached residential annexe building that would be sited within the garden of the existing dwelling in a position that would be approximately 10.5 metres from the rear elevation of the main dwelling.
- 1.3 The proposed building would measure 8 metres in length, 4.7 metres in width and would comprise a bedroom, bathroom, kitchen and living/dining room. The proposed building would retain 7 metres to the northern site boundary and 15 metres to the southern boundary. The building would have a pitched roof reaching a maximum height of 3.58 metres. The annexe would share the vehicular access, garden area and parking spaces of the main dwelling. The applicant intends for the annexe to be used by her daughter.

2.0 Site History:

- 2.1 Permission was refused recently, under LPA reference 3/13/1970/FP, for the construction of a detached annexe building, in a different position on the site, for the following reason:
- 'The Council is not satisfied that the proposed annexe building, by reason of its siting and its functional relationship with the main dwelling, would represent an ancillary form of development and would therefore constitute inappropriate development in the Rural Area Beyond the Green Belt, contrary to Policies GBC3 and ENV8 of the East Herts Local Plan Second Review April 2007'.

3.0 Consultation Responses:

- 3.1 Environmental Health recommend permission is granted subject to several conditions.
- 3.2 The Environment Agency comment that they have assessed the applicant and have no comments to make.

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4.0 Parish Council Representations:

4.1 Little Hadham Parish Council object to the proposed development because of the increased risk of flooding to other homes in the community.

5.0 Other Representations:

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

5.2 No representations have been received from neighbouring properties.

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
- GBC3 Appropriate Development in the Rural Area Beyond the Green Belt
- TR7 Car Parking- Standards
- OSVII Category 2 Villages

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:

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.

7.2 The application should also sufficiently address and overcome the reason for refusal within LPA reference 3/13/1970/FP which is set out in section 2.0 above.

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- 7.3 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.
- 7.4 The annexe proposed within this application would 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.
- 7.5 However, 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. Officers raised concerns in respect of the previous application due to the 45 metre distance between the existing dwelling and the annexe and the ability for a separate access to be created. Furthermore, due to the siting of the previously proposed annexe, it was considered that it would be located within the Rural Area and outside of the built up part of the Category II Village.
- 7.6 To overcome these previous concerns, the applicant has re-sited the proposed annexe. The building will now be sited significantly closer to the main dwelling and within 10.5 metres of the rear elevation of the property and would be located within close proximity to several existing sheds within the garden. The proposed annexe would now be sited adjacent to and in line with the properties to the north of the site – Nos1-3 Watts Close. As such the proposed annexe is now considered to be sited within the built up area of the Category II Village wherein in principle there is no objection to such development. The siting of the proposed annexe therefore overcomes part of the previous reason for refusal and the concerns in relation to its impact upon the Rural Area.
- 7.7 Officers also raised concerns with the previous proposal and the functional relationship between the annexe and the existing dwelling due to the 45 metre distance between the annexe and the rear elevation of the main dwelling which could result in the proposed annexe potentially being used as a separate residential unit. The relocation of the annexe as now proposed means that it would be sited nearer to the main dwellinghouse and would be within 10.5 metres of the rear elevation of the property (some 35 metres closer than the previously proposed annexe). This distance would ensure that there would still be a strong degree of dependency on the main dwelling. Officers have also had several telephone conversations with the daughter of the owners of The Haven who has confirmed that she will

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be dependent on the main house for many things such as dinners and washing and that there would be no separate postal address or service utilities for the proposed annexe.

- 7.8 For these reasons Officers consider that the proposed annexe sufficiently addresses the previous reason for refusal within LPA reference 3/13/1970/FP and Officer's concerns that the annexe would not be used as an ancillary part of the main house on the site. Officers consider that, due to the amended siting now proposed 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.
- 7.9 The sharing of the garden area, access and the relationship of the annexe to the main dwelling ensures that a good relationship would be 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.
- 7.10 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 2.6 metres and a maximum height of 3.58 metres. As such, only approximately 1.8 metres of the roof would be visible above a standard 1.8 metre boundary fence. Having regard to this, the mature boundary landscaping and that the proposed annex would retain 13 metres to the nearest neighbouring property to the north and 19 metres to the flank elevation of the nearest property to the south, together with its restricted size and height, Officers consider that the proposed annexe would not appear unduly obtrusive or have any significant impact on the living conditions of the neighbouring occupiers.
- 7.11 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

- 7.12 Policy ENV8 expects there to be sufficient parking for both parts of the dwelling at the site. The site has a paved parking area at the end of the rear garden that can accommodate at least three vehicles. In addition, there is also a carport and detached double garage at the end of the

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rear garden. The existing dwelling has 3 bedrooms and the proposed annexe would create an additional bedroom. The maximum parking standards for a 4 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.

- 7.13 Little Hadham Parish Council have raised concerns that the proposal would increase the risk of flooding to other homes in the community. In this case, however, although the site lies within 20 metres of the bank of the river, no concerns have been raised by the Environment Agency in respect of flooding. The site lies in Flood Zone 1 (low probability of flooding) where no harm would arise to people or property. There is therefore no evidence to suggest that the building would have any material impact on flooding in the area and the Parish Council's concerns would not therefore warrant refusal of the application on those grounds.

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 of the Local Plan 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 3/13/1970/FP, and in particular the proposed location of the annexe within the built up area of the Category II Village and in relation to 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.