

APPLICATION NO.	P15/V0174/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	16.2.2015
PARISH	ST HELEN WITHOUT
WARD MEMBER(S)	Henry Spencer
APPLICANT	Mr W Weston
SITE	11 Lansdowne Road, Dry Sandford, Abingdon, Oxfordshire, OX13 6EA
PROPOSAL	Change of use of existing office/storage building to a one-bed annex.
AMENDMENTS	None
GRID REFERENCE	447096/200858
OFFICER	Charlotte Brewerton

SUMMARY

This application comes to planning committee as the parish council's opinion differs to that of officers.

This application seeks approval for the existing outbuilding in the rear garden, currently used as a gym/office storage facility, to be converted into additional residential accommodation for the applicant's parents-in-law.

Due to ill health his parents need to have additional family care but with some independence retained.

The parish council objects on grounds that the proposal would set a precedent and is not in keeping with the surrounding area. The neighbours object on grounds of overdevelopment, overlooking, size scale and mass and parking congestion.

Officers consider that the house is closely related to the main residential dwelling and given that it would be for the occupation by family members it is acceptable in this instance only. It is considered unlikely that the site could be subdivided in the future to accommodate individuals that are not part of the family unit.

Officer's recommendation is for approval.

1.0 INTRODUCTION

- 1.1 No.11 Lansdowne road is a detached dwelling situated within a residential road in Dry Sandford. The character of the area consists of detached dwellings set in a forward location on their plots with relatively long rear gardens. There is no set architectural style to the street scene with all dwellings having their own individual character and design features.
- 1.2 The dwelling has been previously extended and altered to the side and rear and was currently undergoing a loft conversion following planning permission in 2012 (Ref: P12/V0783).
- 1.3 The site overlooks open countryside to the south and has adjoining boundaries with nos. 9 and 13 Lansdowne Road and 18 Sandleigh Road to the rear.
- 1.4 Off street parking is to the front of the dwelling with a side access to the east.

- 1.5 Towards the end of the rear garden is an existing outbuilding of flat roof construction which measures 9.8m wide by 5.9m deep and stands at 2.5m tall. UPVC windows and clear glazed door are already inserted. This building is used as ancillary accommodation to the main residence as a gym/office with shower and toilet facilities and garden storage.
- 1.6 An enforcement Investigation undertaken in 2012 concluded that the scale and mass of the building, along with the nature of its particular use, was not in breach of planning control and that the building does fall within Town and Country Planning (General Permitted Development) Order 2008, Article 3, Schedule 2, Part 1, Class E. The investigation was closed as no breach had occurred.
- 1.7 A site location plan can be seen **attached** at appendix A.

2.0 **PROPOSAL**

- 2.1 This application seeks planning permission for the conversion of the outbuilding in the rear garden for use by the applicant’s elderly parents.
- 2.2 The outbuilding would consist of one bedroom, open plan kitchen and living space, a dining area, shower room and toilet. The windows and doors are not to be altered and will remain as one on either side elevation and one to the rear relating to the dining room, shower room and toilet, and two on the front adjacent to a central access door.
- 2.3 The applicant has advised in his supporting letter dated 27 January 2015 that the conversion of the building is required for his parents-in-law to live in as both are now in their seventies. The applicant’s father in law is in ill-health and both parents have lived with the family in the main residence for the past three years. The stated motivation for the application is to provide additional ground floor space to accommodate the parents’ needs whilst also remaining close to the main family for support.
- 2.4 Proposed plans can be seen **attached** at appendix B.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

Below is a summary of the responses received to both the original plans and the amendments. A full copy of all the comments made can be viewed online at www.whitehorsedc.gov.uk.

3.1	St Helen Without Parish Council	Object the separate accommodation in the garden provides a precedent not in keeping with the area. Section 6 of the application is misleading as access is not solely through the house but the annexe can be entered via the right side of the building.
	Thames Water Development Control	No strong views
	Countryside Access	No strong views Does not appear to affect any recorded Public Rights of Way
	Neighbours (2)	Object

	<ul style="list-style-type: none">• Overdevelopment and too large on plot• Windows overlooking boundaries• Materials details required• Roof should be tiled and pitched to match surrounding• Thermal insulation upgrade required• Increased parking requirement which the site cannot accommodate• Others can use the building it will not only be used for elderly relatives.• Access alongside adjacent dwelling could become disruptive• Dwelling already in 2 separate residential uses and annex will compound this.• Additional outbuilding in garden not shown on plans.
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4.0 RELEVANT PLANNING HISTORY

4.1 [VE12/167](#) - (Case Closed)

Construction of a building in the rear garden without planning permission.

4.2 [P12/V0783](#) - Approved (26/06/2012)

Proposed loft conversion.

4.3 [P94/V1304](#) - Approved (28/07/1994)

Demolition of existing garage and erection of ground floor extension (re-submission of refused application SAH/2411/1). 11 Lansdowne Road, Dry Sandford, Abingdon

4.4 [P93/V1093](#) - Refused (07/10/1993)

Single storey extension to provide extra rooms to existing house and demolition of existing garage. 11 Lansdowne Road, Dry Sandford, Abingdon

4.5 [P76/V0764](#) - Refused (20/10/1976)

Conversion of loft to form bedroom. 11 Lansdowne Road, Dry Sandford

5.0 POLICY & GUIDANCE

5.1 National Planning Policy Framework (NPPF)

5.2 Vale of White Horse Local Plan 2011 policies;

The development plan for this area comprises the adopted Vale of White Horse local plan 2011. The following local plan policies relevant to this application were 'saved' by direction on 1 July 2009.

DC1 - Design

DC5 - Access

DC7 - Waste Collection and Recycling

DC9 - The Impact of Development on Neighbouring Uses

H11 - Development in the Larger Villages

NE9 – Lowland Vale

5.3 Draft Vale of White Horse Local Plan 2031 Part 1

The draft Local Plan Part 1 is not currently adopted policy and this emerging policy and its supporting text has limited weight as per paragraph 216 of the NPPF. Greater regard therefore is to be given to the NPPF in line with paragraph 14 and where relevant, the saved policies (listed above) within the existing local plan.

- 1 – Presumption in favour of sustainable development
- 3 – Settlement hierarchy
- 4 – Meeting our housing need
- 22 – Housing mix
- 23 – Housing density
- 33 – Promoting sustainable transport and accessibility
- 35 – Promoting public transport, cycling and walking
- 37 – Design and local distinctiveness

5.4 Design Guide 2015

5.5 Human Rights Act

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

5.6 Equalities

In determining this planning application the council has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010.

6.0 PLANNING CONSIDERATIONS

6.1 The main planning considerations in the determination of this application are:

- The principle of development
- The impact upon the site and the surrounding area
- Impact on surrounding amenity
- Parking Considerations

6.2 Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The development plan currently comprises the saved policies of Vale of White Horse Local Plan 2011. Paragraph 215 of the NPPF provides that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

6.3 The site is a domestic outbuilding in the rear garden of the dwelling that is primarily used for ancillary purposes. In law an existing domestic outbuilding can be adapted to be used for primary accommodation (eg a living room, a bedroom or a bathroom) without the need for planning permission provided the overall use of the plot remains as one dwelling – in other words, provided the adapted outbuilding serves as extra rooms of the house and is not occupied as a separate entity. The ability to occupy an outbuilding as a separate entity (for example by providing a kitchen) does raise the issue of whether the building is capable of being used as a separate dwelling in the

future. Although the motivation for the current proposal is clear, it cannot be assumed that the current residents will occupy the property in the future. Therefore the potential use of the building in the future is a legitimate concern. Officers are also aware of case law, *Gravesham v Secretary of State (1982)*, where the court held that any building capable of being used as a separate dwelling does have the legal status of a separate dwelling.

- 6.4 Having regard to the housing policies in the district, officers would not support a proposal for a new dwelling in this rear garden site. It would result in a cramped form of development, out of keeping with the surrounding character and grain of development and would result in unacceptable levels of privacy and amenity, and substandard parking arrangements. Thus officers consider that, for the proposal to be acceptable, and to avoid the creation of a substandard dwelling by default in the future, a suitable controlling mechanism is required. This can be achieved through the use of a section 106 obligation to tie the accommodation to the new dwelling and to prevent it separate occupation, renting or sale. The council's solicitors have confirmed that this will provide sufficient safeguard in respect of the *Gravesham* case.
- 6.5 **Impact upon character**
Policy DC1 of the Local Plan permits development which would not have a harmful impact upon the character and local distinctiveness of an area and in terms of its layout, scale, mass, design and detailing would not detract from the positive contribution its character has in the wider surrounding area.
- 6.6 The building is an existing feature within the rear garden. In terms of its physical presence and visual outlook from adjacent dwellings it is already in situ. The external appearance is to change from breeze block to Whiney Edge Oak boarding. Officers consider that this would improve the appearance of the existing building.
- 6.7 The outbuilding cannot be viewed from the front of the site. Access to the building is via the main residence or from a pedestrian access running along the side (east) of the property. Officers consider that there would be limited views of the outbuilding within the private enclosed rear garden and as such there would be limited impact upon the wider surrounding character.
- 6.8 The size and scale of the building accords with that set under the permitted development regulations. It would remain single storey and assist with independent living for the owner's elderly parents in law. Officers consider that it is therefore not an overdevelopment of the site for the purposes as an outbuilding or as an annexe to the main residence. Neighbours have cited that the upgrade of the building in terms of its insulation, heating and ventilation is required and that details of the proposed external materials should be provided. Officers consider that these can be appropriately controlled by condition.
- 6.9 Given the enclosed nature of the site, the location of the building, its size, scale and physical appearance officers consider that there would be little harmful impact upon the character of the wider surrounding area.
- 6.10 **Impact upon amenity**
Policy DC9 permits development that would not have a harmful impact upon surrounding neighbouring uses in terms of privacy and overlooking, loss of light, noise and other forms of disturbance.
- 6.11 Whilst officers are mindful that the application involves a change in the way the outbuilding would be used, it is not considered that the change will result in an impact

on neighbours that would be materially different to the reasonable expectation of its current use as a gym and home working office is considered not to be significantly different to that by elderly relatives using the same building for everyday living.

6.12 The use of the existing pedestrian access to the side of the dwelling is considered to be a feature reasonable expected with any dwelling. Officers consider that there would be no additional harm from this due to the provision of an annexe. There are existing windows in the building however given the proximity of these windows to the adjacent timber fencing and the single storey nature of the building Officers consider that there would be little cause for overlooking or loss of privacy to adjacent neighbouring properties. The windows and doors to the front of the outbuilding would look onto the garden area of no.11 Lansdowne Road. Given that the occupiers of the outbuilding/annexe are related and intend to live with the owners of the property for additional support in their later years Officers consider that it would not cause harmful overlooking or a loss of the amenity space to the detriment of the owners of no.11 Lansdowne Road.

6.13 **Parking considerations**

Policy DC5 of the Local plan permits development that would not have a harmful impact upon traffic safety in terms of access and egress, congestion or environmental problems, circulation, turning, servicing and would not result in congestion of the site or surrounding highway network.

6.14 Neighbours have raised the parking situation within the street as a potential constraint to development. There is off-street parking at the premises for four cars at the front of the dwelling. The owner's parents in law do not have a car therefore no additional cars are expected as a permanent feature through the conversion of the outbuilding.

6.15 The annexe would result in one additional bedroom at the residence which is already a four-bedroom dwelling. Based on these facts officers consider that there would be no material harm arising from a traffic increase to warrant refusal.

7.0 **CONCLUSION**

7.1 Given that the appearance of the outbuilding is to be improved and that there would be no harm from loss of privacy, amenity or parking provision, the use of the outbuilding as an annexe for elderly relatives of the owners of 11 Lansdowne Road is considered acceptable. To control the future potential use of the building it is recommended that a section 106 obligation is drawn up to permanently tie the annex to the main house.

8.0 **RECOMMENDATION**

It is recommended that authority to grant planning permission is delegated to the head of planning, in consultation with the chairman, subject to:

1. **The completion of a section 106 obligation tying the new annex to the main dwelling and preventing it separate occupation, renting or sale; and**
2. **Conditions as follows:**

1 : Commencement three years - full planning permission.

2 : Approved plans.

3 : The annex hereby permitted shall be occupied by those persons specified in the application and by no other persons at any time.

Reason: In acknowledgment of the special circumstances of the applicant and to ensure that the building is not used as a separate dwelling, which would be

unacceptable due to inadequate levels of amenity and parking that are likely to exist (policies DC1, DC5 and DC9 of the adopted local plan).

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