

## 1.0 The Proposal

1.1 The application proposes a garage block to the rear of the site which would provide four garages at ground floor level with residential accommodation above. It is proposed that the garage block would be ancillary residential accommodation to No.6 Abingdon Road for the applicants two daughters, one of which suffers from epilepsy. This is a retrospective application which is further to the previously approved application SUT/11933/9. A copy of the site location plan and drawings are attached at **Appendix 1**. The changes to the proposal from that previously approved are as follows:

- an increase in the height of the building by 0.25 metres
- the use of the first floor for ancillary 'habitable' residential accommodation
- the insertion of windows in all elevations
- the insertion of a door to the rear
- the removal of the internal dividing walls at ground and first floor
- the garage building is located 15 metres from the rear boundary of the site within this current application, however it is noted that this distance differs from that shown in the previous 2004 application where the block plan showed the building to be 12 metres to the rear boundary, and the site plan showed the building to be 20 metres from the rear boundary

1.2 The site as edged in red on the submitted plan shows four terraced dwellings which were permitted in 2003 through the conversion and extension of the original dwelling on the site. However, the applicant has stated that this permission has not been fully implemented, and therefore the building remains as No. 6 Abingdon Road.

1.3 The site is within an Area for Landscape Enhancement, Lowland Vale, the floodplain and is adjacent to the Conservation Area.

## 2.0 Planning History

2.1 SUT/11933/5 Erection of detached garage with work room over. Permitted.

2.2 SUT/11933/6 Extension and sub-division of existing dwelling to form 3 terraced dwellings. Permitted.

2.3 SUT/11933/7 Extension, alteration and sub-division of existing dwelling to form 4 terraced dwellings. Permitted.

2.4 SUT/11933/8 Erection of 4 garages with storage accommodation above. Withdrawn.

2.5 SUT/11933/9 Erection of 4 garages with storage accommodation above. Permitted.

## 3.0 Planning Policies

3.1 Policy DC1 requires development to be of a high design quality in terms of layout, scale, mass, height, detailing, materials to be used, and its relationship with adjoining buildings, and to take into account local distinctiveness.

- 3.2 Policy DC5 requires safe and convenient access and parking.
- 3.3 Policy H24 enables the erection of ancillary buildings and structures within the curtilage of a dwelling provided the proposal would not cause harm to the amenities of neighbouring properties or the character and appearance of its surroundings.
- 3.4 Policy NE9 will not permit development in the Lowland Vale if it would have an adverse effect on the landscape.
- 3.5 Policy NE11 will not permit development that would further erode or damage the character of the landscape within a designated area of Landscape Enhancement.

#### 4.0 **Consultations**

- 4.1 Sutton Courtney Parish Council objects to this application. The Parish Council questions whether the building should be considered as ancillary as the plans appear to show that the building lies outside of any of the curtilages of the four residential dwellings fronting the road. The Parish Council wonders whether any permitted development rights would be accrued for this building, and whether the application should be considered to be tantamount to the erection of a new dwelling in an undesirable backland location.
- 4.2 Notwithstanding the above the Parish Council is concerned with regard to the intensification of residential use within the flood plain, and the overdevelopment of the site that has already seen an increase in the number of residential units. Furthermore the development is unneighbourly by reason of the two balcony windows to the north and the low cill heights of the rooflights on the west elevation resulting in overlooking and a loss of privacy to neighbouring residents.
- 4.2 The County Highway Engineer has no objection to the proposal providing that the garaging can be conditioned to be retained as such and that the proposed building is conditioned as ancillary to the existing dwelling. Furthermore the Engineer has asked the applicant to demonstrate that the proposed development would not impinge on any existing parking/turning area as shown on previously permitted applications.

#### 5.0 **Officer Comments**

- 5.1 As permission has already been granted for a building of a similar size, scale, design and siting the principle of a building in this location has already been established. However this application will seek to assess the changes to the proposed scheme as indicated above.
- 5.2 As the building would only rise 0.25 metres higher than that previously permitted Officers do not consider that this would so substantially increase the scale, bulk and visibility of the building as to warrant refusal of the application on these grounds. All other external dimensions of the building remain the same as previously permitted. It is noted that a number of windows are now proposed within the building, however no condition restricting the insertion of windows was imposed on the previous permission in 2004. Officers therefore consider it unreasonable to object in this regard. Whilst it is noted the windows to the rear are large and would likely require planning permission in their own right, given their location they are not highly visible, and windows could be inserted that are flush with the building without the need for planning permission.

Likewise the Juliet balconies to the sides of the building would likely require planning permission however the insertion of the windows themselves would not require planning permission.

- 5.3 Due to the level of the rooflights within the front elevation Officers acknowledge that they would afford some overlooking into the rear gardens of the adjacent terraced properties. Whilst the applicant has advised that the conversion and extension of the original dwelling to provide 4 units is not fully completed, the extension to provide unit 4 as shown on the site plan submitted with this application is largely completed therefore it would be reasonable to condition the front rooflights to be obscure glazed in the interests of the amenities of the future occupiers of the adjacent terraced properties. This would take into account the fact that the first floor accommodation is now habitable, and the building would only be in association with one dwelling at present. The window in the northern flank may afford some overlooking into the rear gardens of properties to the north, however this would be towards their rearmost garden and not their principal private amenity area. Furthermore the building would be a considerable distance away from their side boundaries.
- 5.4 The previous application in 2004 restricted the use of the building to be ancillary accommodation. Whilst it is noted the application now proposed clearly shows the first floor to provide 'habitable' accommodation as opposed to storage, it is still proposed to be ancillary, and would therefore still comply with the previous condition. In this regard the application proposes no kitchen within the building which would enable the building to be an independent unit. The previous application clearly showed 4 separate garages with individual stairs to storage above, however the building was only ancillary to a single dwelling and in any event planning permission would not have to be required in this instance for the demolition of internal walls. With regard to the above Officers consider that no reasonable objections could be raised to the proposed use of the first floor.
- 5.5 No condition was imposed on the 2004 permission restricting the use of the ground floor to garaging. However since 2004 PPS25: Flooding has been published which states that 'Local Planning Authorities should help to deliver sustainable development by reducing flood risk to and from new developments through location, layout and design.' Given the publication of PPS25 in 2006 and following the recent flooding of this site it is considered reasonable to now restrict the ground floor as garaging only. The Environment Agency was consulted within the previous 2004 application reiterating their previous comments to the withdrawn application SUT/11933/8. It is considered reasonable to impose the previously requested conditions by the Environment Agency on any permission granted, with the exception of the condition relating to slab levels as the development is already largely constructed and the slab levels are considered to be acceptable.
- 5.6 It should be noted that planning permission would be required for internal alterations that would result in the building becoming an independent unit i.e. through the insertion of a kitchen, and given the above proposed condition planning permission would also be required to convert the ground floor into any form of living accommodation. In this regard Officers consider a 'new independent' dwelling in this location would be undesirable and would be viewed unfavourable if a formal application were to be submitted. The same condition as imposed on the 2004 permission restricting its use as ancillary should therefore be imposed on any permission now granted, and the ground floor should be restricted to garage use only.

5.7 Officers are aware of the differences in the distance of the proposed building to the rear boundary when compared to the previously approved application, however given the discrepancies on the previously approved plans, together with the fact that the site plans appear to be similar in all other respects, it is considered unreasonable to object in this regard.

5.8 With regard to the comments from the County Engineer it is considered reasonable to impose a turning space condition on any permission granted.

6.0 **Recommendation**

6.1 *It is recommended that the application be approved subject to the following conditions.*

1. TL1      *Time Limit – Full Application*
2. MC9      *First floor front windows to be obscure glazed and with no additional windows*
3. RE16      *Ancillary accommodation*
4. RE14      *Retention of garaging at ground floor*
5. HY15      *Turning space*
6. *Any spoil arising from the excavation shall be removed from the floodplain prior to the occupation of the building; apertures in the side and rear walls from ground level up shall allow free entry and egress of flood water, and gaps shall be left under the main garage doors for the same purpose.*
7. MC20      *Amended Plans.*