



Report to West Area Planning Committee

Application Number:	22/07042/FUL
Proposal:	Householder application for construction of single storey side extension to existing attached garage with new garage roof to allow for creation of first floor living accommodation for use as ancillary accommodation incidental to the enjoyment of the dwellinghouse with associated external alterations including patio area and retaining wall
Site Location:	Benguella House Manor Road Hazlemere Buckinghamshire HP10 8JB
Applicant:	Mr Simon Bird
Case Officer:	Mr Abinel Gurung
Ward(s) affected:	Hazlemere
Parish-Town Council:	Hazlemere Parish Council
Date valid application received:	25th July 2022
Statutory determination date:	19th September 2022
Recommendation	Application Refused

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 Planning permission is sought for the extension of the existing garage, including raising of the roof and insertion of dormer windows, to enable the partial conversion of the ground floor and provision of accommodation at first floor to provide a one bedroom annexe. The proposals also involve changes to the adjacent ground levels to create a level patio area accessible from the first floor living accommodation.
- 1.2 The application has been called to Planning Committee by all three ward members, Cllr Gemmell, Cllr Oliver and Cllr Gaffney, on the grounds that that the issues bear closer public scrutiny and that the proposal would not be out of keeping with the area or amount to the creation of a separate dwelling.
- 1.3 The proposed extension, due to its bulk scale and mass and position forward of the main house, would fail to be subservient to the main house, would be unduly obtrusive and would be detrimental to the character and appearance of the main dwelling and that of the surrounding are. Although described as an annexe the accommodation would be

tantamount to the creation of a separate dwelling which would not be in keeping with the grain and pattern of development in the surrounding area. The proposal is therefore contrary to Policies CP9, DM35 and DM36 of the adopted Local Plan.

2.0 Description of Proposed Development

- 2.1 The property is a large detached house, one of a pair, along with its neighbour Llamados, which were built to replace a single dwelling. The house has previously been extended by the addition of a two storey side and single storey front extension, which connected the house and garage, which were originally separate buildings. The site is set in a generous plot on sloping ground with mature trees to the front and rear which are protected by a tree preservation order.
- 2.2 The proposed alterations involve extending the garage wing forwards by 1.5 metres, raising the eaves of the garage roof by 1 metre and the ridge by 1 metre, altering the roof form from a hipped roof to a half hipped roof, with the addition of two three light dormer windows in the south east elevation and a gable feature to the north west elevation, with glazed doors opening onto a newly created terrace.
- 2.3 The terrace would be created by raising the ground levels on the north west side of the building, where the land slopes upwards towards the boundary. A pathway with retaining wall would be excavated at the front of the building to allow access to the new front door.
- 2.4 It is proposed to convert the front bay of the garage to residential use, and this area, along with the extension, would provide a front entrance and hallway and a double bedroom with en-suite shower room. A staircase and lift would be provided to give access to the first floor, which is shown as an open plan kitchen / living space, and also a separate w.c.. From the first floor there would be access to a newly created garden terrace.
- 2.5 The application is accompanied by:
 - a) Planning Statement
 - b) Design and Access Statement
 - c) Ecology and Trees Checklist
- 2.6 The agent did table revised plans for consideration, showing a slight reduction in roof height and the addition of a door between the garage and bedroom. Officers advised that these would not address concerns about the scheme and the agent requested that the application be determined on the basis of the plans originally submitted with the application.

3.0 Relevant Planning History

- 3.1 The relevant planning history for the site is set out below:

Reference	Development	Decision	Decision Date
98/05841/FUL	Demolition of existing dwelling and erection of two detached houses and garages	PER	4 June 1998
00/05328/FUL	Construction of single storey changing room, pump house, swimming pool, patio and decking area with balustrade, stone path and wall	PER	11 April 2000

00/07781/FUL	Erection of two storey side extension, single storey front extension and rear conservatory	PER	31 January 2001
21/06850/TPO	Crown lift secondary growth to give 4m clearance from the ground to allow more light x 5 Beech (G1)	PER	10 August 2021
22/05930/FUL	Householder application for construction of single storey side extension to existing attached garage with new garage roof to allow for creation of first floor living accommodation for use as ancillary accommodation incidental to the enjoyment of the dwellinghouse	WDN	16 June 2022

4.0 Policy Considerations and Evaluation

Principle and Location of Development

WDLP: CP1 (Sustainable Development), CP2 (Overall Spatial Strategy), CP3 (Settlement Strategy), DM33 (Managing Carbon Emissions, Transport and Energy Generation), DM35 (Placemaking and Design Quality), DM36 (Extensions and Alterations to Existing Dwellings)
 DSA: DM1 (Presumption in favour of sustainable development)

- 4.1 The site is located within Hazlemere which is a location where the extension of an existing dwelling is acceptable in principle subject to the development complying with all relevant local plan policies in respect of the details of the scheme. The relevant issues are set out in the following sections of the report.
- 4.2 The Hazlemere Neighbourhood Plan has recently been the subject of a public consultation on the Regulation 16 version of the plan. The consultation closed on 10 November 2022. The weight to be given to emerging plans is set out in the NPPF at Paragraph 48. As the NP has not yet been submitted for examination it currently carries very limited weight.

Transport matters and parking

WDLP: CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)
 HNP: HAZNP4 (Promoting Sustainable Transport)
 Buckinghamshire Countywide Parking Guidance (2015)

- 4.3 The site is located in Residential Parking Zone B as set out in the Parking Guidance. The main house has eight or more habitable rooms and is required to have three parking spaces, as set out in the Guidance. If assessed as a separate dwelling the annexe would be required to have one space.
- 4.4 The property would retain a double garage and has a large driveway which is more than sufficient to accommodate the required parking for the extended dwelling.

Raising the quality of place making and design

WDLP: CP9 (Sense of Place), DM32 (Landscape Character and Settlement Patterns), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality), DM36 (Extensions and Alterations to Existing Dwellings)
Householder Planning and Design Guidance SPD

- 4.5 The proposals would extend the existing single storey garage wing at the front of the property, extending it towards the front boundary and raising the eaves and height of the roof, and changing the form of the roof, with the addition of dormer windows to both sides. The alterations are intended to create additional living accommodation by converting part of the garage and by creating a first floor above the garages.
- 4.6 Policy DM35 requires development to be appropriate in scale, form, layout and detailed design. Policy DM36 relates specifically to extensions to dwellings. This requires extensions to respect the character and appearance of the existing property, and be subservient in scale and ancillary in function to the existing dwelling. They should also respect the character and appearance of the surrounding area.
- 4.7 The second part of the policy states that proposals to extend or alter an existing dwelling that would be tantamount to the creation of a new dwelling in respect of their layout, scale, massing, form, access or scope for independent occupation, will be refused.
- 4.8 Section 8 of the Householder Planning and Design Guidance SPD (HPDG SPD) provides specific guidance relating to front extensions. It notes that particular care should be taken with front extensions to ensure that they do not detract from the appearance of the dwelling. On detached properties “a front extension should respect the existing pattern of development, and should normally be of a subservient scale that does not dominate the building”. In all cases “design, detailing, windows and materials of all front extensions should match exactly that of the main dwelling, to ensure a continuity of appearance, and to avoid harm to the general street scene”.
- 4.9 Section 18 of the HPDG SPD provides guidance on the design of residential annexes. Annexes should have a clear link with the main dwelling and “will only be acceptable where the scale and appearance of the building is modest in comparison to the main dwelling”. The entrance should be through the main entrance to the house and applications for accommodation on a large scale will not be acceptable.
- 4.10 In this instance, although the proposed annexe would be physically attached to the main house, it would be tantamount to the creation of a separate dwelling. The annexe would be accessed via its own front door, in the front elevation of the extended front wing, and would have all the facilities required for independent occupation. It would have accommodation split over two floors, with a bedroom with en-suite, on the ground floor, staircase and lift to the first floor, a large kitchen / dining / living space, a further w.c. and access to a private garden terrace, which is also part of the application. As such the annexe could be occupied without any reliance on the main house for facilities or amenity space.
- 4.11 As submitted there is no internal link shown to the main dwelling. It has been suggested that a door could be inserted between the bedroom and the garage to create an internal link. Given that access between the two would be across the garage, which, if in use for its intended purpose would house parked cars thereby obstructing passage across the garage, this is not considered to be a meaningful connection to the main house. The garage connects to an area shown as a gym which in turn links to a library / study. Consequently the annexe would not be well integrated with the living accommodation in the main house.

- 4.12 The proposal does not, therefore comply with the second part of policy DM36 or the guidance in the SPD in relation to annex accommodation and extensions.
- 4.13 The proposed changes to the garage would significantly alter its character, appearance and scale in relation to the main house. The garage was originally a detached three bay garage with modest hipped roof form but has since been linked to the house by a single storey link. The proposed alterations would raise the eaves above those of the single storey link and raise the ridge height of the roof, (which would be above the first floor eaves of the house) and increase its bulk and mass. Together with the addition of the dormer windows the front wing would take on the character of a small dwelling, rather than an ancillary, subservient wing to the main house.
- 4.14 The changes to the bulk and mass of the roof would also alter the view of the house on approach, with part of the existing first floor elevation concealed by the enlarged roof and dormer windows. The proposed extensions are therefore considered to lack subservience to the parent dwelling and be unduly dominant and visually obtrusive, and out of keeping with the character and appearance of the existing house. This in turn is considered to be detrimental to the character and appearance of the surrounding area. The house is set in a large plot and set back from the road, however increasing the prominence of the front wing in this way will have a negative impact on the spacious character of the area.
- 4.15 The agent has made a comparison with a nearby dwelling which has a front garage wing, with accommodation above, Northgate. The planning history reveals that this was constructed as a replacement dwelling which was permitted in 2004, the garage wing having been part of the original design of the house at the time. That garage does not project as far forward from the main part of the house. It is not, therefore, considered to be comparable to the current proposal.

Amenity of existing and future residents

WDLP: DM35 (Placemaking and Design Quality), DM36 (Extensions and Alterations to Existing Dwellings), DM40 (Internal Space Standards), DM41 (Optional Technical Standards for Building Regulation Approval),
Householder Planning and Design Guidance SPD

- 4.16 The proposed extension would be at sufficient distance from all neighbouring dwellings that it would not result in any adverse impacts on their amenity in terms of light, privacy or enclosure.
- 4.17 As the proposal is tantamount to the creation of a separate dwelling it is appropriate to assess it against the Internal Space Standards. This approach has been accepted elsewhere by a Planning Inspector in relation to a case for the conversion of a detached garage to an annexe, which included raising its roof at 67 Wycombe Road, Princes Risborough (ref. 19/07468/FUL).
- 4.18 In this instance the annexe would have a double bedroom and would therefore be regarded as a 1 bedroom 2 person dwelling (1b2p). The standards require a 1b2p two storey dwelling to have a minimum gross internal area of 58 square metres. The proposed dwelling would have a GIA of just over 77 square metres, substantially in excess of that required. Indeed it exceeds that for a 2b3p dwelling (70 square metres) and is close to that for a 2b4p dwelling (79 square metres). The size of accommodation proposed would therefore be more than sufficient to create a satisfactory living environment for future occupiers.
- 4.19 Occupiers would be provided with a small area of amenity space adjacent to the annexe and would also have access to that of the main house.

4.20 It is proposed that the annexe would be occupied by an elderly relative of the occupants of the main house. As such, although tantamount to being a separate dwelling, it is capable of remaining as a single planning unit. The annexe, if occupied by an unrelated household, would not have a satisfactory relationship with the main house since there is a potential loss of privacy by way of overlooking between the annexe and the main house. However, as an annexe the relationships between the two areas would be acceptable in terms of privacy.

Environmental issues

WDLP: CP7 (Delivering the infrastructure to support growth), CP12 (Climate Change), DM33 (Managing Carbon Emissions, Transport and Energy Generation), DM35 (Placemaking and Design Quality), DM36 (Extensions and Alterations to Existing Dwellings)

HNP: HAZNP4 (Promoting Sustainable Transport)

Air Quality SPD

4.21 As this would be tantamount to a new dwelling it would be reasonable to require the provision of an electric vehicle charging point in connection with the development. There is sufficient space within the site to accommodate additional refuse storage in connection with the development. Were the development otherwise acceptable a condition could be used to secure this.

Flooding and drainage

WDLP: DM39 (Managing Flood Risk and Sustainable Drainage Systems)

4.22 The proposal would create additional impermeable areas on the site but due to the scale of the development it would not significantly increase the risk of flooding on the site or elsewhere due to additional surface water run-off. Parts of the site are at risk from surface water flooding but the proposed area for the extension is not within that area.

Green networks and infrastructure

WDLP: DM33 (Managing Carbon Emissions, Transport and Energy Generation), DM34 (Delivering Green Infrastructure and Biodiversity in Development)

HNP: HAZNP2 (Protecting and Improving Green Infrastructure)

4.23 The proposed extensions are largely on the footprint of the existing building with a small extension at the front. As such the proposal would not adversely affect the retention of protected trees within the site.

Building sustainability

WDLP: CP12 (Climate Change), DM33 (Managing Carbon Emissions, Transport and Energy Generation), DM41 (Optional Technical Standards for Building Regulation Approval)

HNP: HAZNP3 (Delivering Zero Carbon Buildings)

4.24 Were the development otherwise acceptable a condition would be required to ensure that the development was constructed to meet the higher water efficiency standards.

Infrastructure and Developer Contributions

WDLP: CP7 (Delivering the infrastructure to support growth)

DSA: DM19 (Infrastructure Delivery)

4.25 As a separate dwelling the development would be a type of development where CIL could be chargeable.

4.26 It is considered that there would not be other types of infrastructure that will be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure.

5.0 Weighing and balancing of issues / Overall Assessment

- 5.1 This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 5.2 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
 - a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 5.3 As set out above it is considered that the proposed development would accord with most of the development plan policies, except for policies CP9, DM35 and DM36.
- 5.4 The applicant has advised that the proposed annexe is intended for an elderly relative to allow independent living but “still be within ‘sight and sound’ so as to enable necessary day-to-day care and assistance to be provided as required”.
- 5.5 Whilst there is some sympathy with the applicant’s personal circumstances these hold very limited weight in the planning balance, since the built development will endure long after those personal circumstances cease to apply. In this instance those personal circumstances would not outweigh the harm which would arise to the character and appearance of the existing dwelling and that of the surrounding area. Furthermore, alternative options to provide annexe accommodation could be explored with the Council using its pre-application advice service.
- 5.6 Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is not considered that this proposal would disadvantage any sector of society to a harmful extent.

6.0 Working with the applicant / agent

- 6.1 In accordance with paragraph 38 of the NPPF (2021) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 6.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 6.3 In this instance:
 - the applicant/agent was updated of any issues after the initial site visit,
 - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
 - The applicant was informed/ advised how the proposal did not accord with the development plan, that no material considerations are apparent to outweigh these matters.

7.0 Recommendation

7.1 Refuse permission for the following reason:-

- 1 The proposed extensions and alterations, by virtue of their bulk, scale, mass and design, and their position forward of the main house, would be tantamount to the creation of a separate dwelling and would fail to appear subservient to the main dwelling, to the detriment of its character and appearance and that of the surrounding area. The proposal is therefore contrary to Policies CP9 (Sense of Place), DM35 (Placemaking and Design Quality) and DM36 (Extensions and Alterations to Existing Dwellings) of the adopted Wycombe District Local Plan (2019) and the advice in the adopted Householder Planning and Design Guidance SPD.

Informative(s)

- 1 In accordance with paragraph 38 of the NPPF Buckinghamshire Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments. Buckinghamshire Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application. In this instance the agent was updated after the site visit and advised how the proposal did not accord with the development plan, that no material considerations are apparent to outweigh these matters. The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

CLr Gemmell: The three ward councillors are in agreement. Should the officer be minded to refuse this application then we would like this called in to the planning committee.

CLr Oliver - I would like to call this application in to go forward to committee. I believe it is one of those close calls that could do with public scrutiny.

CLr Gaffney – I concur with CLr Gemmell.

Parish/Town Council Comments

Hazlemere Parish Council:

Comments: It was resolved that The Parish Council has no objections

Consultation Responses

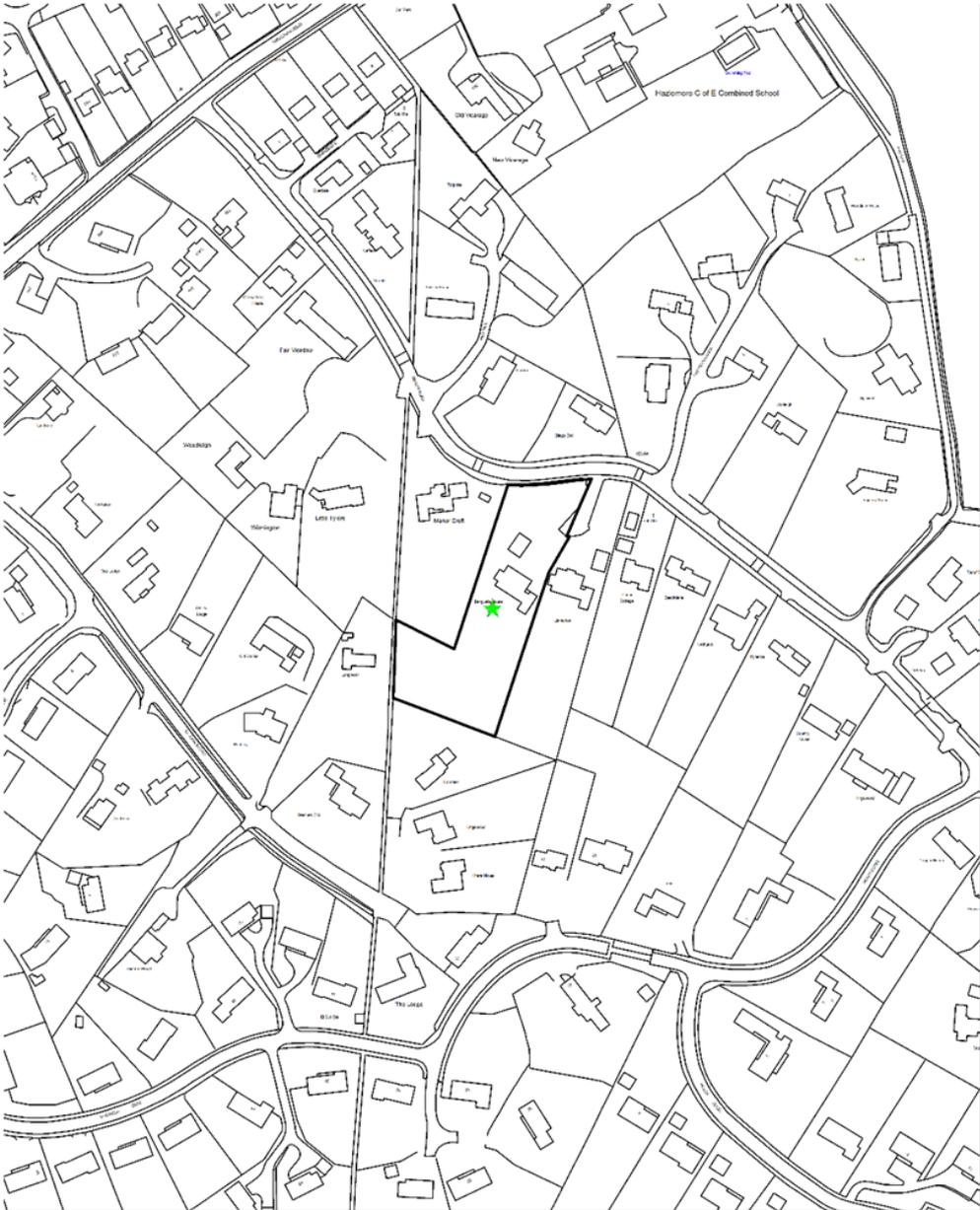
None.

Representations

None

APPENDIX B: Site Location Plan

22/07042/FUL
Scale 1/2500



Planning Committee
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Ordnance Survey 100062456