



## Report to East Area Planning Committee

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<b>Application Number:</b>	PL/22/4005/FA
<b>Proposal:</b>	Erection of a single storey timber ancillary granny annexe to the rear garden
<b>Site location:</b>	Lynton House 56 Watchet Lane Holmer Green Buckinghamshire HP15 6UG
<b>Applicant:</b>	Elizabeth Keenahgan-Clark & Darren Clark
<b>Case Officer:</b>	Salman Azad
<b>Ward affected:</b>	Penn Wood & Old Amersham
<b>Parish-Town Council:</b>	Little Missenden Parish Council
<b>Valid date:</b>	18 November 2022
<b>Determination date:</b>	3 February 2023
<b>Recommendation:</b>	Conditional Permission

### 1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This application proposes the “*Erection of a single storey timber ancillary granny annexe to the rear garden*” at land at Lynton House, 56 Watchet Lane in Holmer Green.
- 1.2 The main issues for consideration are the impact of the built form on the character of the area and neighbouring amenity. An assessment of the proposal, in line with involvement of statutory consultees, concludes that, on balance, the application is acceptable, subject to the inclusion of relevant conditions and a Section 106 legal agreement.
- 1.3 The application has been called for determination by the Planning Committee by Councillor Waters.
- 1.4 The recommendation is to grant conditional permission.

### 2.0 Description of Proposed Development

- 2.1 The application site concerns the site known as Lynton House, 56 Watchet Lane, which is located within the built-up residential area of Holmer Green. The site is a rectangular plot located on the east side of Watchet Lane. Common

boundaries are shared with 54 Watchet Lane to the south, 58 Watchet Lane to the north, 7 Todd Close to the east and 9 Todd Close to the north-east.

- 2.2 The site lies within a 'Suburban Road' character typology, as set out in the Chiltern and South Bucks Townscape Character Study. The main characteristics of these areas are: a mix of detached and semi-detached dwellings; plots that are regular and consistent in size; regular building lines and spacing between buildings slighted staggered; and medium sized front gardens. In terms of built form, the road may have once been homogenous in style and/or material, but this has since eroded over time as new development has occurred and/or as individual homeowners altered their dwellings.
- 2.3 The application proposes the erection of a single storey timber ancillary granny annexe to the rear garden which will be used by an elderly parent. This proposed annexe will be a detached rectangular outbuilding sited 1 metre off the application site's eastern (rear) and northern boundaries and 3.4 metres off the southern boundary. The outbuilding itself will be of a mono-pitched roof design and will measure: 10.2m in length, 4.7m in width, 2.66m in eaves height and 2.95m in ridge height. It will be finished in redwood vertical shiplap cladding and aside from two top hung windows on its northern and southern flank elevations, all doors and window openings will be sited on the building's western elevation, facing onto the host dwelling's rear garden. The annexe will feature: a living room with kitchenette, one bedroom and a shower room.
- 2.4 A Planning Statement has been submitted with the application, explaining the nature of the application and that due to advancing age and poor health, requires the support and care of his family.

### **3.0 Relevant Planning History**

- 3.1 CH/1997/0594/FA – Single storey side and rear extensions. Conditional permission.
- 3.2 CH/2009/1775/FA – Single storey front/side extension. Refused permission, due to the forward projection appearing overly prominent in the street scene.
- 3.3 CH/2010/0691/FA – Single storey front/side extension. Refused permission, due to the forward projection appearing overly prominent in the street scene.
- 3.4 CH/2017/1106/FA - Two storey side extension, insertion of roof lights to side and rear elevations, construction of cycle / bin store. Conditional permission.

### **4.0 Summary of Representations**

- 4.1 Little Missenden Parish Council: No objection.
- 4.2 Four letters of objection have been received, from the same household.
- 4.3 A summary of representation comments is included in the Appendix section of this report.

### **5.0 Policy Considerations and Evaluation**

- National Planning Policy Framework (NPPF), February 2021.
- National Design Guide, October 2019

- Core Strategy for Chiltern District - Adopted November 2011:
- Chiltern Local Plan adopted 1 September 1997 (including alterations adopted 29 May 2001), consolidated September 2007 and November 2011.
- Buckinghamshire Parking Guidance SPD.
- Residential extension and householder development SPD.

### **Principle and Location of Development**

Core Strategy Policies:

CS1 (The spatial strategy)

Local Plan Saved Policies:

H19 (Self-contained residential annexes (for relatives or domestic staff) in the built up areas excluded from the Green Belt and in the Policy GB4 and GB5 areas in the Green Belt)

H20 (Ancillary residential buildings (Domestic garages, workshops, etc.) in the built-up areas excluded from the Green Belt)

- 5.1 The application site is located within the built up residential area of Holmer Green wherein development, including the erection of ancillary residential buildings within the curtilage of an existing dwellinghouse and self-contained residential annexes (for relatives or domestic staff) are acceptable in principle, subject to compliance with the relevant Policies of the Development Plan.
- 5.2 Local Plan Policy H19 encourages the use of extensions to the main dwelling for annexes, although it states that planning permission may be granted for a small annexe which is detached from the existing dwelling. In such circumstances, the Council must be satisfied that there would be a reasonable means of preventing the annexe from being occupied as a separate dwelling unit. In this respect, paragraph 55 of the National Planning Policy Framework 2021 (NPPF) also stipulates that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 5.3 In this instance, the annexe is to be located in the rear garden and cannot be readily accessed independently. It would not have its own access or garden, and would form part of the accommodation of the main house. Officers consider that the use of the annexe can be restricted in perpetuity by the use of a condition which prohibits the annexe being occupied as a separate dwelling unit. However, should Members feel that a condition is not strong enough, the Applicant has agreed to enter into a Section 106 Legal Agreement to the same effect.

### **Raising the quality of place making and design**

Core Strategy Policies:

CS4 (Ensuring that the development is sustainable)

CS20 (Design and environmental quality)

Local Plan Saved Policies:

GC1 (Design of development)

H15 (Design and siting of extensions)

H19 (Self-contained residential annexes (for relatives or domestic staff) in the built up areas excluded from the green belt and in the Policy GB4 and GB5 areas in the Green Belt)

H20 (Ancillary residential buildings (Domestic garages, workshops, etc.) in the built-up areas excluded from the Green Belt)

5.4 The appearance of a development is a material planning consideration as underlined by Section 12 (Achieving well-designed places) of the National Planning Policy Framework which begins with the opening statement that *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”* This is reinforced locally by Chiltern District’s Core Strategy Policy CS20, Local Plan Saved Policies GC1 and the Chiltern District’s ‘Residential extension and householder development Supplementary Planning Document (SPD)’ which all state that consideration is to be given to the scale, finish and design of the existing buildings.

5.5 The proposed annexe, with a ground area of 48sqm and maximum height of 2.95m, is of a modest scale when considered against the host dwelling and the application plot, both of which have a ground area of 156sqm and 816sqm respectively. The erection of the annexe will not amount to overdevelopment or result in the application site appearing cramped as it [the site] will retain approximately 573sqm of undeveloped land. The design and finish of its built form are considered to be of a modest scale and characteristic of garden outbuildings in built-up residential environments. As such, it will not appear alien when viewed from neighbouring gardens. Given its location, it would not be prominent in the street scene.

5.6 It is also important to emphasise that the Applicant could erect an outbuilding as permitted development, of a very similar scale and appearance.

#### **Amenity of existing and future residents**

Local Plan Saved Policies:

GC3 (Protection of amenities)

H14 (Safeguarding the amenities of neighbours in relation to extensions)

5.7 Third-party representation letters have raised concerns about the impact of the annexe on neighbouring amenities, particularly those sited to the east on Todd Close. Concerns have been raised with respect to noise, intrusion, and the building appearing overbearing.

5.8 Taking these areas in turn, in terms of noise, the application site is located within a built-up residential area characterised by its tight urban grain where properties are sited relatively close to each other. Therefore, it is reasonable to

expect and hear a degree of noise from neighbouring gardens. However, in any instances where the level of noise is significant and unreasonable, thereby materially affecting the comfort of neighbouring occupants and the use of their property, this is dealt with under separate Environmental Health legislation, namely the Environmental Protection Act 1990 and other associated legislation. The use of the site would remain as a single residential dwelling, and the annexe building would in fact shield normal garden noise to the properties at the rear.

- 5.9 In regards to intrusion, no windows are proposed on the annexe's eastern (rear) elevation and those sited on northern and southern flank elevation will be facing onto common boundary treatments and away from neighbouring dwellings and their private amenity spaces. Conditions can be attached to ensure no additional windows are inserted, which would not be the case for any outbuilding built as permitted development.
- 5.10 With respect to the annexe appearing overbearing when viewed from the rear windows and amenity areas of the properties sited to the east on Todd Close, it is noted that the separation distance between the annexe's rear elevation and the rear elevation of 7 Todd Close (the closest sited dwelling to the east) is approximately 12 metres. The annexe is of a modest height and, as noted earlier, an outbuilding of a similar scale could be erected as permitted development. The mono-pitched roof shape will reduce the bulk of the development, whilst ensuring the highest part of the development is sited towards the host dwelling and away from the site's eastern (rear) boundary. Therefore, the annexe will not appear overbearing, given it would only be 2.65m in height along the rear. It is also noted that property still retains its permitted development rights for outbuildings under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015. With minimal adjustments to its exact placement in the rear garden, an outbuilding of a greater height and more overbearing design could be erected without the need for express planning permission.

### **Flooding and drainage**

Core Strategy Policy:

CS4 (Ensuring that development is sustainable)

Local Plan Saved Policy:

GC10 (Protection from flooding)

- 5.11 Third-party representation letters have raised concerns the lack of details on drainage and disposal of rain water. Notwithstanding that the application site is not located within a high Flood Zone or in an area liable to flooding, the annexe will be sited in a rear garden featuring extensive soft landscaping which will absorb rain water. Concerns regarding drainage of water from the land and building are to be considered under the Land Drainage Act 1991 and Building Regulations respectively, both of which are beyond the remit of planning control.

## **Ecology, Biodiversity and Environment**

Core Strategy Policies:

CS4 (Ensuring that development is sustainable)

CS24 (Biodiversity)

- 5.12 Core Strategy Policy CS24 states that the Council will aim to conserve and enhance biodiversity and where development proposals are permitted, provision should be made to safeguard and, where possible, enhance any ecological interest.
- 5.13 As part of the application, an ecology and trees checklist was completed which states that no trees and/or habitats would be affected by the proposed development. Third-party representation letters dispute this, stating that trees sited along the eastern boundary had been felled prior to the submission of the application which has harmed the ecology and biodiversity of the application site and neighbouring lands. Whilst the loss of the trees is unfortunate, the trees were not sited within a Conservation Area or subject to Tree Preservation Orders. As such, they could be felled without needing consent from the Local Planning Authority and there is no legal requirement to replace the felled trees.
- 5.14 Whilst there are instances where Local Planning Authorities can attach condition(s) to a permission which require trees to be planted, whether that be for ecology/biodiversity and/or for the visual amenity of the local area; such conditions are to be only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. In this instance, it is considered that a condition requiring the planting of replacement trees along the site's eastern boundary would not be required for the development to be permitted as the development itself does not propose the removal of trees.

### **6.0 Working with the applicant / agent**

- 6.1 In accordance with Paragraph 38 of the NPPF (2021) the Council approaches decision-taking in a positive and creative way, taking a proactive approach to development proposals focused on solutions and working proactively with applicants to secure developments.
- 6.2 The Council works 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.

### **7.0 Recommendation: Conditional Permission**

Subject to the following conditions:-

1. The development to which this permission relates must be begun before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of unimplemented planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 91 (1) of the Town & Country Planning Act 1990, as amended.

2. The exterior of the development hereby permitted shall only be constructed in the materials specified on the plans hereby approved or in materials which shall previously have been approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the development is not detrimental to the character of the locality.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no windows other than those expressly authorised by this permission, shall be inserted or constructed at any time in the rear or side elevations of the outbuilding hereby permitted.

Reason: To protect the amenities and privacy of the adjoining properties.

4. The annexe hereby permitted shall only be used for purposes in connection with and incidental to the occupation of the main dwelling on the site, as a private dwelling. It shall at no time be occupied as an independent dwelling unit and shall not be used for any business, commercial or industrial purposes at any time.

Reason: The establishment of an independent dwelling unit or a business, commercial or industrial use within the curtilage of the main dwelling would lead to an intensification in the use of the site which would be out of keeping with and detrimental to the character of its surroundings and detrimental to the amenities of nearby properties.

5. This permission relates to the details shown on the approved plans as listed below:

**List of approved plans:**

<b><u>Received</u></b>	<b><u>Plan Reference</u></b>
18 Nov 2022	TQRQM22278144352928
18 Nov 2022	211100528TAS1
18 Nov 2022	TQRQM22278144634898

## **APPENDIX A: Consultation Responses and Representations**

Planning Statement submitted with application. Main points include:

- This proposal is for an ancillary granny annexe that will be located within an existing residential curtilage and will be heavily dependent on the host dwelling.
- The proposal does not represent a separate dwelling and could not operate as such given the undesirable site constraints and reliance on the host dwelling.
- There will be no separate address, post box, utility meters, services such as internet, phone line and television, parking, garden area or curtilage, or access.
- The plot is bound by neighbouring gardens to the north, east and south. The curtilage is well defined with the use of domestic fencing and mature vegetation, this provides an effective screen and ensures that any potential impact to neighbouring amenity and the street scene is negligible.
- The family will be on hand to take care of day-to-day needs, whether that be cooking together, socialising, laundry, errands to the shops and appointments and just being on hand to provide support rather than relying on state care. Multigenerational living is being supported and championed by central government, it releases the stress on state funded care and provides a form of sustainable development that must be supported at local level.
- The applicant would be happy to agree to an appropriate condition restricting the use of the annexe to only ancillary (citing the model condition from Annexe A to Circular 11/95).
- If the LPA consider the use of a condition not to be a strong mechanism to control the use, the applicant would be happy to agree to a Section 106 to ensure the annexe is never separated off.
- We believe that the proposal would have no greater impact on the surrounding area than an outbuilding which would be permitted under Class E of the GPDO. It is a strong material consideration that if the height was reduced the applicant could build the physical structure itself under Class E Permitted Development Rights.
- The only access into the annexe will be through the existing arrangement, no independent access will be provided. There would be no separate highway access or need to make any alterations to the existing access point.
- Various appeal decisions are also referenced and a statement of personal need has also been included.

### **Councillor Comments**

Councillor Waters - I would like to call in the application for the Planning Committee to make the decision.

### **Little Missenden Parish Council Comments**

“Little Missenden Parish Council have no objection to make”.

### **Representations**

Four letters of objection have been received from the same neighbouring household. The main points are as follows:



- Applicant has cut down trees sited along the site's eastern (rear) boundary harming ecology
- Siting of building will harm ecology in neighbouring gardens
- Structure will appear overbearing when viewed from 7 Todd Close
- Will establish a precedent for self-contained properties and "back garden development"
- Over development of land
- Potential use of annexe as a private let/ separate unit of accommodation
- Proposal non-compliant with Part M of the Building Regulations
- No details on drainage and disposal of rain water