

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: P0536.21

WARD: Cranham **Date Received:** 22nd March 2021

ADDRESS: 6 Limerick Gardens
Upminster

PROPOSAL: Conversion of detached garage to granny annexe involving alterations to south elevation

DRAWING NO(S): 003.21.01
003.21.02

RECOMMENDATION: It is recommended that **planning permission be GRANTED** subject to the condition(s) given at the end of the report

SITE DESCRIPTION

The application site comprises of one half of a semi-detached pair of chalet bungalows. To the rear of the site is a detached outbuilding with rear access taken from land adjacent to Kerry Close. The site is neither listed, nor within a Conservation Area.

DESCRIPTION OF PROPOSAL

The application seeks permission for the conversion of the existing garage/outbuilding to the rear of the main dwelling to be used as an annexe/overspill accommodation. The applicant indicates that the building would be occupied by an elderly relative of the homeowner.

Photographs provided with this submission indicate the conversion has taken place. A site visit by staff to the rear of the site show that the removal of the garage doors to the rear and bricking up and insertion of high level windows has already taken place.

RELEVANT HISTORY

No relevant planning history.

P1081.09	Single storey rear conservatory
	Apprv with cons 25-09-2009
P0951.04	Front dormer window (revision of P1795.02)
	Apprv with cons 16-07-2004
P1795.02	Gabled roof, rear dormer and single storey rear and side extensions and detached double garage

CONSULTATIONS/REPRESENTATIONS

Neighbouring occupiers were invited to comment through direct notification. No letters of representation were received.

In addition the following comments were made by other stakeholders:

Environmental Health - No objections

Highway Authority - No objections

RELEVANT POLICIES

Havering Local Plan 2016-2031 - Policies 7, 23, 24, 26 and 34

Residential Extensions and Alterations SPD

London Plan

NPPF.

MAYORAL CIL IMPLICATIONS

There are no contributions payable under CIL regulations as the proposals relate to existing floor space.

STAFF COMMENTS

The main issues to be considered in this case are the principle of development, the impact on local character and the street scene, the impact on amenity of neighbouring properties and any parking and highways issues.

PRINCIPLE OF DEVELOPMENT

The Residential Extensions & Alterations SPD defines a residential annexe as accommodation that is ancillary to the main dwelling within the residential curtilage and must only be used for this purpose. The guidance states that the annexe must form part of the same planning unit, sharing facilities, including access, parking and garden areas.

The layout, design and physical relationship between the house and the proposed annexe are therefore important considerations and the proposed annexe must demonstrate clear connections with the main dwelling. The size and scale of the accommodation to be provided should be proportionate to the main dwelling. As a guide, the scale should be such that the annexe could be used as a part of the main dwelling once any dependency need has ceased.

In this case the annexe would be capable of independent occupation by virtue of its facilities and

siting. However the provision of primary facilities is not something that can be regarded as objectionable. In *Uttlesford District Council v Secretary of State for the Environment and White* it was held that the conversion of a garage for a use as that sought presently had not resulted in a material change of use despite it including facilities that enabled the occupier to live independently. It is commonly held that additional living accommodation, whether by conversion or a mobile home can be incidental to a principal dwelling even if capable of semi-independent occupation. *Uttlesford D.C. v SSE and White* also established that it is not necessary for a relative of the occupier of the main dwelling to rely upon facilities in the main dwelling house in order to maintain additional living accommodation in the same planning unit.

The fact that the structure will have all the usual facilities for residential occupation, the use by a family member as private space to occupy when not socialising and spending time with family occupying the main dwelling is not suggestive of anything other than something which could be regarded as incidental based on the above ruling and other relevant case-law. The scale of accommodation would be proportionate to the intended use, officers would reason, however the outbuilding whilst within the curtilage of the main dwelling is located at the extremities of the site and is not landlocked. The garage building has been altered to remove the original garage doors and brick up the rear elevation, as such the accommodation cannot be accessed without entering the rear garden. There is separate gated access which can be taken from the rear alongside the structure but it is observed that this has been a longstanding arrangement. This, of itself, does not mean that the annexe is not ancillary to the main house. Officers do not consider that it is necessary to require a legal agreement to ensure that the use remains incidental. It is considered that a planning condition restricting the use and withdrawing permitted development rights for alteration of the building would be sufficient. This would help to prevent this subsequently from becoming a separate unrelated dwelling, which could cause parking and amenity issues, unless planning permission were granted.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The alterations to the structure would be limited in terms of the public realm. The replacement of the roller-shutter door with a rendered wall with high level (obscurely glazed) elongated windows does not present any negative street-scene impacts. Overall the outbuilding would be of scale and appearance in keeping with the rear-garden environment.

IMPACT ON AMENITY

The Residential Extensions & Alterations SPD states that outbuildings should not cause undue loss of light to neighbouring properties or adversely affect the living conditions of neighbouring properties. Policies 7 and 34 of the Havering Local Plan 2016-2031 each require consideration of the impact of development on the amenity of surrounding occupants through matters not only limited to, loss of light/overshadowing, harm to outlook, noise and disturbance, odours and smells.

The building is existing and the visual impacts of the development cannot reasonably be considered to translate to any material harm to neighbouring amenity. The use of the building as an annexe would of course generate comings and goings to the building and increased use of the garden area in a general sense but no more so than an outbuilding in use as a hobby, games and garden room, particularly in the summer months. As such, staff are of the view that the use of the outbuilding

proposed as a residential annexe would not give rise to an unacceptable level of noise and disturbance. The scale of occupation as described by the applicant is not noise generating and is limited in scale and intensity.

It is still considered reasonable to impose conditions removing permitted development rights in respect of the insertion of additional windows and openings in the proposed building, to avoid the potential for overlooking and increased noise transmission, and to reduce the likelihood that this could become an independent dwelling in its own right.

Officers also consider it necessary to remove the PD rights under Class A Part 2 for fencing and walling as these rights could result in the curtilage being subdivided. In this instance it would also be necessary to include a condition restricting the occupancy of the annexe to purposes connected to the residential use of the main dwelling 6 Limerick Gardens.

Finally, although staff view the application as acceptable on its own merits, it is acknowledged that no letters of objection have been received.

HIGHWAY/PARKING

The proposal would have no bearing on existing provision of parking and the Highways Authority raised no objections.

KEY ISSUES/CONCLUSIONS

The applicant confirms in a written statement that the annexe would be occupied by family as overspill accommodation. The arrangement would allow a reasonable degree of privacy/independence but would still be capable of demonstrating a clear connection with the main dwelling by way the shared amenity area. The use of the outbuilding as a residential annexe would not result in any undue impact to the amenity of surrounding residents and would not create any known highways/parking issues providing that it remains as an annexe.

As such the proposal is considered to be in accordance with the provisions of the Residential Extensions & Alterations SPD and the objectives of the Local Plan. Approval is therefore recommended.

RECOMMENDATION:

It is recommended that **planning permission be GRANTED** subject to the following condition(s)

1 SC4 (Time limit) 3yrs

The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as

amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2 SC32 (Accordance with plans)

The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans (as set out on page one of this decision notice).

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3 SC10 (Matching materials)

All new external finishes shall be carried out to match those of the existing building to the satisfaction of the Local Planning Authority.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

4 SC31 (Use as part of main dwelling)

The outbuilding hereby permitted shall be used only for living accommodation as an integral part of the existing dwelling known as 6 Limerick Gardens, Upminster and shall not be used as a separate unit of residential accommodation at any time.

Reason:-

The site is within an area where the Local Planning Authority consider that the sub-division of existing properties should not be permitted in the interests of amenity, and that the development accords with Development Control Policies Development Plan Document Policy DC61.

5 SC45A (Removal of permitted development rights)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no outbuildings, walls, fences or other means of enclosure shall be erected unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority

Reason: In order that the annexe approved remains ancillary to the main dwelling, in the interests of amenity, to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

6 SC46 (Adapted flank and rear window condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no window or other opening (other than those shown on the submitted and approved plan) shall be formed in the flank or rear wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

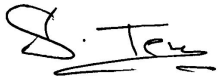
In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

INFORMATIVES

1 Approval - No negotiation required

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

Authorising Officer:



Suzanne Terry

19th February 2024