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Planning, Design and Access Statement

**Demolition of two Incidental Outbuildings and the Erection of an
Ancillary Granny Annexe**

27 Elmwood Avenue
Portsmouth
PO7 7LG

July 2017

Document Reference: 1811/CMCH/
Havant Borough Council

Introduction

1. This Planning, Design and Access Statement has been produced to support a planning application seeking the erection of a prefabricated timber granny annexe for ancillary residential use.
2. A supporting **Granny Annexe Commentary** document has been submitted alongside this statement which provides the regulatory background, as well as an overview of the national policy position, relevant case law and appeal precedents which support the development of such annexes.
3. The proposed granny annexe will be for the applicant's parents, both of whom are elderly and undergoing treatment for medical conditions. Due to existing health concerns and the anticipated future care needs of the applicant, the proposed annexe will provide a living space that can provide a balance between independence and care, now and in the future for all the family. The erection of the granny annexe aims to meet this balance and provide a good quality of life (**please see submitted Personal Statement for further Information**).
4. The use of the annexe will be ancillary to the main dwelling with strong functional links between them. It is intended that the occupants will be regularly preparing and eating meals in the main dwelling, watching television/relaxing, and all laundry will be undertaken using existing household facilities.
5. There will be no separate;
 - Address,
 - Post Box,
 - Utility meters,
 - Garden area; or
 - Access.

Site Context and Designations

Proposal Site

6. The application site is located within the established curtilage of 27 Elmwood Avenue. The host property is a semi-detached residential bungalow, benefiting from off street parking to the front and sizeable amenity space to the rear. Please see Figure 1.
7. The property is located within a suburban estate in waterlooville, where the host property and neighbouring residential properties benefit from good sized plots and rear gardens. As a result, there is a good level of separation distances between neighbours.
8. The boundaries of the property are well defined through a combination of domestic fencing and mature vegetation. This provides an effective screen, ensuring a high level of privacy is maintained and helps protect the visual character of the immediate context and the amenity neighbouring properties.

Flooding

9. The Environment Agency's flood maps indicate that the site is within Flood Zone 1 (low risk).

Site Designations

10. According to the Havant Planning Proposals Map, the property falls within a defined settlement boundary. Please see Figure 2.

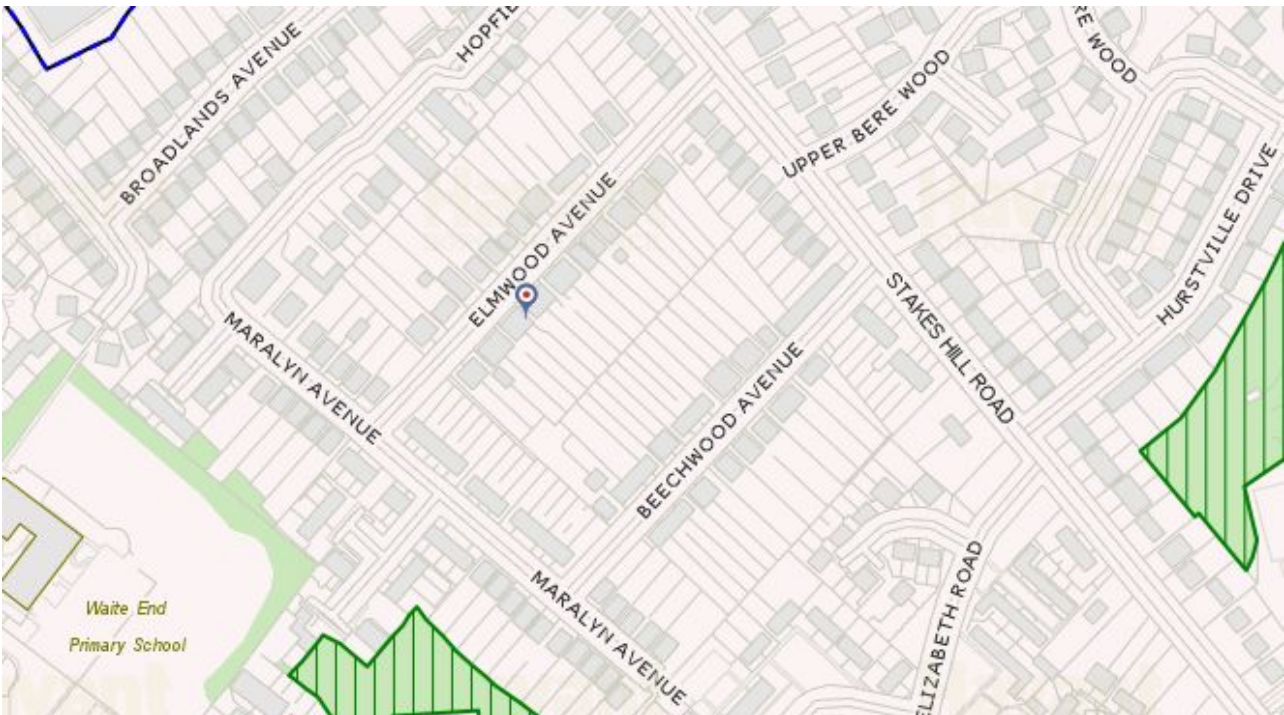
Planning History

11. According to the planning history database, there have been no recent planning applications at the property.

Figure 1: Site Context



Figure 2: Planning Proposals Map Extract



Relevant Planning Policies

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

13. The relevant policies against which to assess this proposal are contained within

Havant Borough Local Plan (Core Strategy) March 2011

- CS16 (High Quality Design);
- DM13 (Car and Cycle Parking on Residential Development);
- DM8 (Conservation, Protection and Enhancement of Existing Natural Features).

The National Planning Policy Framework (NPPF)

Principle of Development

14. The proposed annexe would be located in the rear garden of the host property, with a clear dependency on the shared garden space, access, utility meters and facilities within the main dwelling.

15. The creation of a separate access and individual parking arrangements would be both difficult and undesirable, taking into consideration the existing layout of the site. The close proximity to the main dwelling provides a clear relationship between both the main dwelling and the proposal.

16. Circular 11/95, appendix A, provides a model condition for Granny Annexes, please see paragraphs 37-42 of this report for an example. This model condition was retained following the release of the NPPG, therefore clearly demonstrating that the condition is appropriate and enforceable.

17. Planning decisions should be made on balance and take into consideration up-to-date national and local planning guidance and policies. The proposal is clearly in compliance with the current government agenda.

Siting & Layout

18. Taking into consideration the established layout of the rear garden, the proposed annexe would be located along the rear boundary in the position of two current outbuildings. We believe that this makes use of a previously developed part of the garden and ensures that useable amenity space remains protected.
19. The principal doors and windows would also look out onto the curtilage of the application site in order to avoid overlooking to neighbouring premises.
20. The proposed siting of the annexe would also ensure that the annexe would be a suitable distance from neighbouring dwellings, thereby not resulting in any loss of light or outlook.
21. Consequently, we believe that on balance the siting and layout of the annexe takes into consideration to visual importance of the immediate context, respects the streetscene and neighbouring properties. As a result, we believe the proposal is sympathetic to its surroundings and complies with policies CS16.

Size & Amount

22. Policy CS16 seeks to ensure that proposed development responds positively to its surroundings and do not cause any adverse impacts on neighbouring properties.
23. The size and scale of the proposed granny annexe has been specifically considered to reflect that of a conventional ancillary outbuilding. Being single storey, it would have a clear subordinate appearance to the original house and surrounding properties in terms of mass and scale.
24. The proposed annexe would replace two existing outbuildings. The dimensions of the existing outbuildings and the proposed annexe can be compared as follows;

Considerations	Existing Outbuildings	Proposed Annexe	Difference
Height	2.73 Metres	3.92 Metres	1.19 Metres
Footprint	25.6sqm (combined)	56.8sqm	31.2sqm
Width	6.2 metres (combined)	6.9 metres	0.7 metres

25. Taking the above into consideration, we do not believe that the proposed height and width can be considered a significant increase to what is already established. We acknowledge that the footprint would be an increase to what is established, nonetheless, taking into consideration the size of the rear garden, the proposal does not look at odds within the immediate context and would have no greater impact on

the surrounding area than an outbuilding which would be permitted under Class E of the GPDO.

26. We acknowledge that the proposed use would not be permitted under the GPDO. Nonetheless, national guidance provides a strong material consideration and provides a clear indication of what physical footprint could be built under Class E Permitted Development Rights.

27. Central Government have considered such a size to be appropriate and the impact on neighbouring amenity and on the local character to be acceptable. This “fallback” position was reinforced by an inspector in the below appeal.

28. In a recent appeal against the London Borough of Croydon (Appeal ref: APP/L5240/A/13/2209293), the Inspector concluded;

I am mindful that as a fall back position under permitted development rights an outbuilding could be constructed with a ridge height of 4 metres and occupy the same footprint and location.

Given that the ridge height of the roof could therefore be lowered 24 cm and would then not require planning permission, I consider that the fall back position can be afforded substantial weight.

29. Taking into consideration the distance from neighbouring properties, its position and the boundary treatments in place, we conclude that the annexe would not harm neighbouring amenity. As a result, the proposal complies with the requirements of policy CS16.

Proposed Design and Appearance

30. Policy CS16 seeks to ensure that new development provides the highest standards of design and demonstrates detailed design which responds positively to neighbours and the local environment.

31. A great deal of consideration has been given to the design and materials to ensure that the granny annexe appears subordinate to the main dwelling and reflects the local character.

32. The following materials will be used for the construction of the proposed annexe;

FOUNDATIONS - Pressure-treated timber bearers on concrete pad foundations – 450mm x 450mm x 500mm;

ROOF CONSTRUCTION - Pitched roof with concrete grey plain flat profile tiles finished with black plastic rainwater guttering;

JOINERY - All fenestration will be constructed from a high grade uPVC finished in Grey. All glazing will be double glazed, this will aid in the retention of heat and reduce noise;

EXTERNAL CLADDING - The annexes external finish will consist of Clad in white fire retardant render with red brick quoins. This product has been considered, as it will ensure the proposed structure assimilates with the garden context and its surroundings.

33. Whilst design is subjective, we believe that the design proposed is entirely appropriate for an ancillary outbuilding and will provide a high quality annexe which enhances the local area.
34. The annexe takes into consideration the visual characteristics of the immediate context and the size, materials and layout of neighbouring garages and outbuildings. Consequently, the annexe would have a clear aesthetic connection with the established form.
35. As a result, we believe the annexe provides suitable accommodation for the applicant's parents and reflects the nature of the proposal as an ancillary form of accommodation.

Access

36. The only access into the annexe will be through the main dwelling, there would be no separate highway access or need to make any alterations to the existing access point.

Appropriate Condition

37. Government advice on granny annexe accommodation is contained in Circular 11/95 on Planning Conditions.

38. Whilst the Government's Planning Practice Guidance was published on 6 March 2014 and Circular 11/95 was cancelled, Appendix A of the Circular is currently retained. Therefore, such a condition continues to be promoted by the Government.

39. The circular states;

"It is possible that a 'granny annexe' which provides independent living accommodation, could subsequently be let or sold off separately from the main dwelling. Where there are sound planning reasons why the creation of an additional dwelling would be unacceptable it may be appropriate, to impose a planning condition to the effect that the building permitted shall be used solely as accommodation ancillary to the main dwelling house."

40. The Circular goes on to note that:

"The same is true for separate buildings...intended for use as 'granny annexes'. In these cases it is even more likely that a separate unit of accommodation will be created"

41. The applicant is happy to accept the below condition, taken from model condition 47 from Circular 11/95:

The proposed building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling.

42. Furthermore, the NPPF, paragraph 203 clearly states; Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

Material Considerations

43. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. Please see the supporting Granny Annexe Commentary for relevant appeal precedents.
44. There is a strong personal need for the annexe which is highlighted in the supporting documents. Lord Scarman in Westminster City Council v Great Portland Estates plc [1985] JPL108; AC661 commented that:
- "Personal circumstances of the occupier [and] personal hardship...are not to be ignored in the administration of planning control. It would be inhuman pedantry to exclude from the control of our environment the human factor"*
45. This is discussed further in the Encyclopaedia of Planning Law and Practice, Volume 2, Part 2B - Statutes: Town and Country Planning Act 1990, Part III - Control Over Development:
46. Personal circumstances or "the human factor", are always present in the background to the consideration of the character of land use, but may sometimes be given direct effect in development control as an exceptional or special circumstance (Great Portland Estates plc v Westminster City Council [1985] A.C. 661.)
47. It is considered the personal circumstances of the applicant's parents are a strong material consideration which should be given due weight. We respectfully urge the council to take into consideration the need for the annexe, this has been highlighted within the personal statement.

Conclusion

48. The development of a granny annexe at the application site conforms to both national and local planning policy.
49. Access to the annexe will be through the main dwelling, there will be no independent access. This reinforces that the annexe remains ancillary to the main dwelling and cannot be used for independent use.
50. The proposed scheme has ensured that it meets the needs of the applicant's parents, but is also of a scale and design that ensures a clear subordinate relationship with the existing dwelling and neighbouring properties.
51. The proposed scheme is of a high standard of design that takes an appropriate approach to the following key design elements:
- The use of the annexe will be ancillary to the main dwelling;
 - The appearance and scale of the granny annexe would appear subordinate to the main dwelling;
 - The design, appearance and use of materials is appropriate within its setting;
 - There is no loss of privacy by overlooking neighbouring properties;
 - There is no overbearing impact upon neighbouring dwellings.
52. We trust you have all the information you need to make a prompt and positive determination. Should you require any additional details please do not hesitate to contact us.