
Site Address:	Meadow Lea, Hambledon Road, Waterlooville, PO7 6XB		
Proposal:	Demolition of existing outbuildings. Construction of detached, single storey annex to provide ancillary living accommodation. (Revised Application).		
Application No:	APP/14/00463	Expiry Date:	04/07/2014
Applicant:	Mrs Tremmil	Team:	Team 2
Agent:	Mr Oliver	Case Officer:	Daphney Haywood
	The Town Planning Experts		
Ward:	Waterloo		

Recommendation: **GRANT PERMISSION**

1 Site Description

Meadow Lea is a semi-detached dwelling fronting directly onto Hambledon Road. It has existing outbuildings to the rear of the site that were originally used as a blacksmiths workshop and stables.

To the south-west of the site is the Brambles Business Park and to the west is the site known as Old Park Farm that forms part of the northern part of the West of Waterlooville Major Development Area. This area of land to the west has planning permission for residential development. Part of the MDA has been built out but the new dwellings closest to the application site have not yet been constructed.

2 Planning History

APP/13/01102 Demolition of existing outbuildings. Construction of detached, single storey annex to provide ancillary living accommodation. Refused

Dukes Meadow, Hambledon Road, Denmead

APP/12/00008

Reserved matters application under Outline planning APP/12/00009 (HBC) condition 7 with relevant part clearance of outline planning conditions 6, 8, 21, 22 and 24; third and fourth phases of residential development - 219 no. dwellings; 178 no. houses and 41 no. apartments and 17 no. live/work units. Permission 28/06/12

3 Proposal

The application is for the demolition of several existing outbuildings that are no longer used for their main purpose (originally a blacksmiths workshop and stables). The outbuildings would be replaced by a detached, single storey annex to provide ancillary living accommodation. The design and access statement states that this building would be used to provide additional accommodation at the property for use by family members. The level of accommodation has been reduced to 2 rooms and an en suite. The occupants would have access to and use the facilities in the main house, but would have limited facilities for preparing food and washing.

The proposed building would be located at the rear of the site, over 27m from the rear elevation of the existing dwelling house, but would share the garden with the existing dwelling, and share the existing 3 parking spaces. The building would be 4.3m in

height and 9m width with a pitched roof. It would be of brick construction with a tiled roof and replace a building of 3m height and 15m width. It would contain living/kitchen and a bedroom with en suite. The net floor area would be 4.5m by 8.4m.

Permission is needed due to the height of the building, which exceeds 4m. It is also needed in terms of use, because "purposes incidental" has been found not to include "dwellinghouse purposes" such as a bedroom or kitchen, albeit it appears to be a question of fact and degree in each case

i.e: APP/X0360/X/09/2112801 - Appeal by T Shimizu, - Wokingham BC 18/03/2010; also 1987 JPL 144 and East Hertfordshire 21/07/07 - referred to in DCS No. 100-052169. Other appeal decisions considered are:

APP/X1735/D/13/2208415 - Appeal by C Gibson, - Havant BC 02/01/2014;
APP/T0355/X/10/212100513/2208415 - Appeal by K Barber - RB Windsor & Maidenhead 19/04/2010
APPU1240/A/13/2191083 - Appeal by P Townsend - East Dorset DC 9/5/2013 and associated costs decision.

It is noted that the conclusions drawn between cases are not always consistent e.g East Hertfordshire 21/07/07 concludes that a range of accommodation was tantamount to a new dwelling, but the costs case at East Dorset in 2013 was critical of the Planning Authority for viewing an annexe in those terms.

4 Policy Considerations

National Policies

National Planning Policy Framework

Core Strategies 2011 forming part of the HBLDF

CS16	(High Quality Design)
CS19	(Effective Provision of Infrastructure)
CS21	(Developer Requirements)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Saved Policies of HBDWLP 1996 - 2011 forming part of HBLDF

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environment Agency, Planning Liaison: No bespoke comments to make.

Southern Water: The exact position of the foul and surface water sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No development or new tree planting should be located within 3 metres either side of the centreline of the foul and surface water sewer.
- No new soakaways should be located within 5m of a foul and surface water sewer.
- All existing infrastructure should be protected during the course of construction works.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties Informative requested

Building Control, (Fire Access Consultation): Unclear how solid waste would be collected. Appears to be a lack of fire brigade access both in width of access road and travel distance.

Development Engineer: In principle I have no objection to this application providing it is used as part of the existing dwelling. However the plan showing the parking layout does not work, a car needs a minimum of 6 metres to reverse out of a space and this appears not to be achievable. I would suggest a new plan is submitted showing practical parking and turning on site.

Verbal update 2/7/14: A sprinkler system should be used as an alternative. Use planning condition.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 9

Number of site notices: one

Statutory advertisement: Not applicable.

Number of representations received: 0

Summary:

Comment:

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Nature of the development
- (iii) Impact upon character and residential amenity
- (iv) Parking Implications and access

(i) Principle of development

- 7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

(ii) Nature of the development

- 7.3 The application is for the demolition of several existing outbuildings and construction of a new detached, single storey annex to provide ancillary living accommodation. It would have living room/kitchen and one bedroom with en suite. The proposed building would be detached from the main house with a separation distance of 27m, but would share garden and parking facilities and the occupants would also share the eating and washing facilities in the main houses well as have separate facilities in the annex .
- 7.4 The provision of a residential outbuilding for accommodation in association with a main dwelling house, is not considered to require planning permission if used for any purpose "incidental to the enjoyment" of that dwelling house." (Section 55(2)(d) of the 1990 Act) The Development Control Practice note recognises that: "incidental to the enjoyment" may be interpreted generously to mean that outbuildings within a residential curtilage may be used for any residential purpose whatever, for whatever the meaning of "incidental" might be, there is no material change of use...Of course, if the accommodation created constitutes a separate self contained unit and a separate planning unit (see 4.324), this is a different matter as sec. 55(3)(a) makes clear (Development Control Practice, Vol.3, Issue, 75-11/05, paragraph 10.211, p.102-000). However, appeal cases and case law referred to earlier in this report (Section 3 above), may be summarised by the view that the construction of a building in the curtilage of a dwelling, for main dwellinghouse uses, such as a kitchen or bedroom, requires planning permission; it appears to be a matter of fact and degree.
- 7.5 In this case, the range of accommodation (bedroom, shower/wc, sitting room with sink), provides several of the range of facilities needed for independent living, and the physical detachment emphasises this. However, a few are not including - hot food and laundry facilities, which are intended to be shared in the dwellinghouse. Access to the building and the amenity and parking areas would remain shared. It is consistent with planning appeal decisions (Havant BC and East Dorset, above), that a planning condition can be applied to restrict the use of the building, not allowing separate occupation.
- 7.6 The proposal as now submitted is for a substantially reduced annex with limited accommodation, and in terms of fact and degree, whilst the use needs permission, it would be physically and, to a marked extent, functionally subservient to the dwelling. It would therefore operate as an annex as opposed to a separate dwelling.
- 7.7 The proposal amounts to 37.5 floorspace and the Council's Community Infrastructure Developer Contributions Guide - Nov 2013, explains that extensions of less than 100sqm are not liable for CIL payment, provided that it is only used in this way there is no requirement for CIL.
- 7.8 The Major Development Area (MDA) to the north east has been partly built out, although the new dwellings closest to the application site have not yet been constructed. The approved layout plan for the Major Development Area indicates new tree and shrub planting along the western boundary of the application site and then a

new roadway with a row of traditional two-storey residential dwellings facing towards the application site. Whether in the longer term, a separate access could be formed to the dwelling from this roadway, is outside the scope of this application. However the likelihood of a road frontage relationship in the future is an unusual factor, and helps to reduce concerns regarding this form of two tier development, which is not part of the character of existing development in Hambledon Road. Conditions to require the shared use of the garden and parking spaces are necessary to ensure that these important elements of connected use are retained and not partitioned.

(iii) Impact upon character and residential amenity

- 7.9 To the east of the application site is Benhall, the adjoining semi-detached two storey dwelling. A 2m boundary wall separates the application site from Benhall. The proposed annex, although 1.3m taller, is much shorter than the existing series of buildings close to the boundary, so that, on balance, it is considered not to increase overbearing or overshadowing impacts, provided that existing buildings are demolished and the annexe is not extended unless planning permission is obtained. No windows or openings would face the neighbour boundary, and a condition can be attached to control this, and future extensions.
- 7.10 In consideration of other extensions to the house and outbuildings in the grounds, there is concern that these would erode the garden/amenity space, which would already be under more intensive use by reason of the proposed annexe. The retention of a reasonable degree of shared amenity space is important in maintaining the connection between the annexe and house and minimising the risk of concentrated noise and disturbance from use of the outdoor areas, which would affect the character of the area and neighbouring amenities.
- 7.11 The existing driveway is on the north side of the house, adjoining open land and the intended verge of the new (MDA) roadway, where noise from vehicle movements (serving 3 vehicle spaces) is mainly to the occupiers of the existing house, rather than neighbours. A detailed parking plan has been provided and can be conditioned.

(iv) Parking Implications and access

7.11 There would be no change to the existing parking arrangements comprising 3 parking spaces, which given the nature of the proposal as an annex is considered acceptable, however the Development Engineer has raised concerns regarding on site turning. Given that the increase in parking need is small (1 space), it is not considered that a case for refusal could be made but a condition requiring their retention for use by both the dwellinghouse and annexe should ensure that their use is co-ordinated between the occupiers, who would form a single household. Given the lack of sufficient access for a fire tender, and the need to run an extended hose in the event of a fire at the annexe, a condition is needed to ensure that fire sprinklers are provided, as advised by the Building Control officer.

8 Conclusion

- 8.1 The applicant has confirmed that proposed building would be used as habitable accommodation ancillary to the main house. The plans have been amended from the previous refused scheme to provide a structure of more modest size which can be satisfactorily accommodated within the site without detriment to residential and visual amenity and, subject to conditions, to ensure the ancillary use, the amount of development at the site and detailed matters such as levels, parking and fire safety,

approval is recommended.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT PERMISSION** for application APP/14/00463

subject to the following conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date on which this planning permission was granted.
Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the occupation and enjoyment of the existing dwelling at the site. It shall not be used as a separate unit of accommodation.
Reason: In the interests of clarity and because the annexe building is not in a satisfactory position to allow for occupation separately from the dwellinghouse, being unrelated to the form and character of existing development in the vicinity and given the limited amenity space, on-site parking and the likely increase or concentrated activity, noise and disturbance which would arise from separate occupation; having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 3 Construction of the annexe building permitted shall not commence until a specification of the types and colours of all external roofing and external facing materials, including the provision of sample panels of the external facing materials and colour of mortar to be used for the construction of the same, has been submitted to and approved in writing by the Local Planning Authority. Thereafter only such approved materials and finishes shall be used in carrying out the development.
Reason: In the interests of the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 4 The existing stables and workshop buildings shown in drawings TREM 02 & TREM 04, shall be entirely demolished prior to the construction of the annexe building hereby approved.
Reason: In the interests of clarity, to control the amount of development and mass of buildings in order to ensure that adequate garden/amenity space is provided retained for the occupiers of the house and annexe and to safeguard the character and amenities of the area and neighbouring residents, in accordance with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.
- 5 The parking provision to be made within the site for the parking of at least three vehicles, as shown by drawing TREM 05, or any variation thereof which shall first be approved in writing by the Local Planning Authority, shall be

provided prior to the commencement of the use of the annexe hereby approved, and thereafter shall be permanently retained and for the parking of vehicles by occupiers of both the existing dwellinghouse and the annexe.

Reason: To ensure that adequate parking is provided and retained for the house and annexe in the interests of traffic safety and to safeguard the amenities of the locality, having due regard to policies CS16, DM10 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 6 The garden areas of the existing dwellinghouse shall be permanently retained for use by the occupiers of both the dwellinghouse and annexe building.

Reason: To ensure that adequate space is retained for occupiers of the house and annexe and to avoid the formation of separate garden areas or curtilages and the intensive use and development of the garden, in the order to safeguard the character of the site and its surroundings and neighbouring amenities in accordance with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 7 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no additional windows shall be constructed within the walls or roof of the annexe building, nor shall it be extended without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 8 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension to the existing dwellinghouse, nor any building or structure permitted by Part 1, Classes A and E of the Order, as amended, shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.

Reason: To control the amount of other development and mass of buildings in order to ensure that adequate garden/amenity space is retained for the occupiers of the house and annexe and to safeguard the character and amenities of the area and neighbouring residents, in accordance with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 9 Prior to the commencement of the development hereby permitted plans and particulars specifying the finished levels (above ordnance datum) of both the floor of the proposed annexe building and the surrounding ground levels in relation to existing ground levels shall be submitted to and approved by the Local Planning Authority. The development shall accord with the details thus approved.

Reason: In the interests of the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

- 10 Prior to commencement of the development hereby approved, details of an internal fire safety sprinkler system to be installed in the annexe building, shall be submitted to and approved in writing by the Local Planning Authority, and the system shall be installed prior to the occupation of the annexe and permanently maintained thereafter.

Reason: Due to the distance of the annexe from the site access, in the interests of fire safety which may not be covered by Building Regulations in this case, and to accord with policy CS19 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.