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|-----------------|-------------------------------------------------------------------------------------------------------------------------------|---------------|--------------|
| Site Address:   | Meadow Lea, Hambledon Road, Waterloooville, PO7 6XB                                                                           |               |              |
| Proposal:       | Demolition of existing outbuildings. Construction of detached, single storey annex to provide ancillary living accommodation. |               |              |
| Application No: | APP/13/01102                                                                                                                  | Expiry Date:  | 03/01/2014   |
| Applicant:      | Mrs Tremmil                                                                                                                   | Team:         | Team 2       |
| Agent:          | Mr Bramble-Stewart                                                                                                            | Case Officer: | Aaron Wright |
|                 | GBS Designs                                                                                                                   |               |              |
| Ward:           | Waterloo                                                                                                                      |               |              |

Recommendation: **REFUSE PERMISSION**

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## **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 Waterloooville 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**

None

*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 allow the applicants son to have a greater degree of privacy, whilst still essentially living at home. IT states that main meals would still be taken in the family house. The secondary use would be, in time, to allow the applicants to move into the ancillary space when they choose to retire and the main house becomes too much for them.

The proposed building would be located at the rear of the site, over 24m from the rear elevation of the existing dwellinghouse. The proposed building would have its own

enclosed curtilage, with the existing access drive leading from Hambledon Road, down the side of the existing dwellinghouse to the proposed building. An existing 1.8m fence and gates would separate the curtilage of the proposed building from the existing dwellinghouse. It would have its own separate garden and a dedicated parking space.

The building would be 4.3m in height with a pitched roof. It would be of brick construction with a tiled roof. It would contain 2 bedrooms, lounge/diner, kitchenette, bathroom, walk in wardrobe and entrance hall.

#### **4 Policy Considerations**

##### National Policies

National Planning Policy Framework

##### Core Strategies 2011 forming part of the HBLDF

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

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

#### **5 Statutory and Non Statutory Consultations**

##### Development Engineer

I have no adverse comment on this application subject to the occupancy of the unit being tied by condition to the existing building.

##### Building Control Officer

Comments:

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.

##### 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 served, and potential means of

access before any further works commence on site.

## **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: 8

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

## **7 Planning Considerations**

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 residential amenity
- (iv) Parking Implications

### **(i) Principle of development**

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**

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 two bedrooms, bathroom, kitchenette, lounge/diner and entrance hall. The proposed building is detached from the main house with separation distance of 24m. The block plan appears to indicate separate boundary demarcation of the rear garden. Thus giving the main dwellinghouse and proposed building individual amenity areas/gardens. Furthermore, the proposed building shares the main driveway and is provided with a parking area. For all intent and purpose the building would have the appearance and function of an independent detached dwellinghouse, with no reliance on the dwelling of Meadow Lea.

Circular 10/97 - Enforcing Planning Control: Legislative Provisions and Procedural Requirements at paragraph 2.81 provides an interpretation of "use as a single dwellinghouse". Initially it begins by stating that "...although there is no definition of what is a dwellinghouse, it is possible for the reasonable person to identify one when he sees it. If no reasonable person would look at a particular structure used as a dwellinghouse and identify it as such, it is justifiable to conclude, as a matter of fact, that it is not a dwellinghouse." More helpfully paragraph 2.82 goes on to say: "It is considered that the criteria for determining use as a single dwellinghouse include both the physical condition of the premises and the manner of the use."

Where a single, self contained set of premises comprises a unit of occupation, which can be regarded as a separate “planning unit” from any other part of a building containing them; are designed or adapted for residential purposes, containing the normal facilities for cooking, eating and sleeping associated with use as a dwellinghouse; and by a single person or more than one person living together as, or like, a single family, those premises can properly be regarded as being in use as a single dwellinghouse for the purposes of the Act.”

It is clear that the use of a residential outbuilding for accommodation in association with a main dwellinghouse, is not considered to require planning permission. Section 55(2)(d) of the 1990 Act provides that the use of buildings within the curtilage of a dwellinghouse is not development if used for any purpose “incidental to the enjoyment” of that dwellinghouse.” 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).

As such the physical detachment, its parking and access arrangements, and self contained nature and accommodation of the building are considered to enable the creation of effectively a separate unit of accommodation which could quite easily be accommodated independently of the main dwelling house. In this scenario, there would be two households living on the site with all their associated activity. It is not considered that the site can appropriately accommodate two separate households and associated activity on the site without a harmful effect on both existing and future occupiers of the site, and the neighbouring property to the south-east with regards to increased noise activity and disturbance. This would result in a cramped and contrived form of tandem residential development.

The site is currently highly visible from Hambledon Road and as such, the building would materially detract from the appearance and character of the area in an unacceptable way. The development would detract from rather than respond positively to the local character of the area.

Although part of the Major Development Area (MDA) has been built out, 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 driveway with a row of traditional two-storey residential dwellings facing towards the application site. It is unclear at this stage when these dwellings are to be constructed. However, it does result in the proposed development being more prominent once these dwellings are constructed as it would then form part of the public domain with the MDA. The appearance, layout and form of the building would be at odds with the new residential development proposed within the MDA.

Although the applicant has confirmed that it would be used as habitable accommodation ancillary to the main house, the Council considers that the development would effectively comprise of a separate dwellinghouse. In all respects, the development it is contrary to Policy CS16 of the Core Strategy and National Planning Policy Framework.

(iii) Impact upon residential amenity

The application is for the demolition of several existing outbuildings and construction of a new detached, single storey annex to provide ancillary living accommodation. However, it is the Council's view that this development would effectively comprise of a separate dwellinghouse.

To the east of the application site is Benhall, the adjoining semi-detached dwelling two storey property. The use of the proposed building as a separate dwelling would result in additional noise, activity and disturbance to this neighbouring property. Although a 2m boundary wall separates the application site from Benhall, this would not act as a sufficient barrier to reduce the additional activity within the application site.

Furthermore, it is not considered that the site can appropriately accommodate two separate households and associated activity on the site without a harmful effect on both existing and future occupiers of the site. This would result in a cramped and contrived form of tandem residential development.

The new dwellings permitted in the Major Development Area would be 10m from the west boundary of the application site. This is an adequate separation distance between the proposed building and new dwellings not to result in loss of residential amenity.

(iv) Parking Implications

The existing driveway for Meadow Lea would be utilised for the proposed building. One parking space would be provided for the proposed building and this would meet the Council's parking standards. The Council's Development Engineer has raised no adverse comment on this application subject to the occupancy of the unit being tied by condition to the existing building.

## **8 Conclusion**

Although the applicant has confirmed that proposed building would be used as habitable accommodation ancillary to the main house, the Council considers that the development would effectively comprise of a separate dwellinghouse. The site is currently highly visible from Hambledon Road and as such, the building would materially detract from the appearance and character of the area in an unacceptable way. The development would detract from rather than respond positively to the local character of the area.

It is not considered that the site can appropriately accommodate two separate households and associated activity on the site without a harmful effect on both existing and future occupiers of the site, and the neighbouring property to the south-east with regards to increased noise activity and disturbance. This would result in a cramped and contrived form of tandem residential development.

The recommendation is to refuse planning permission.

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## 9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **REFUSE PERMISSION** for application APP/13/01102 for the following reasons

- 1 The proposed development by reason of its physical detachment, parking and access arrangements and self contained nature and level of accommodation is considered tantamount to a separate unit of accommodation, which would materially detract from the appearance and character of the area. Furthermore, the proposal would constitute a cramped and contrived form of development and over intensive use of the site, creating likely additional activity, noise and disturbance which would have an adverse effect on the amenities of both existing and future occupiers of the site and the neighbouring property. As such the proposal would be contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.