PLANNING, DESIGN AND ACCESS STATEMENT

Ancillary Granny Annexe

8 Gun Meadow Avenue
Knebworth
Hertfordshire
SG36BS

Date: May 2018
Document ref: 157/OWIHUS

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INTRODUCTION

This planning, design and access statement has been produced to support a planning application seeking the erection of a pre-fabricated granny annexe for ancillary residential use associated with the dwelling.

The proposed granny annexe will be for the applicant's mother to occupy, who due to advancing age and ill health, requires the much-needed care of her family now and into the future.

The erection of a granny annexe will provide the balance of independence while still having the support and care of the family on hand. A personal statement has been provided to support the application which provides the background to the need.

Other supporting documents submitted as part of this application will include;

- Location Plan
- Proposed Elevations
- Proposed Floor Plan
- Proposed Block Plan
- Proposed Site Plan
- Existing Site Plan
- Personal Statement

PROPOSAL

This application seeks to demolish an existing large outbuilding and replace with a single storey granny annexe to the rear of 8 Gun Meadow Avenue.

The use of the annexe will be ancillary to the main dwelling with strong functional links between them.

It is intended that the occupant will be regularly preparing and eating meals in the main dwelling, watching television/relaxing, socialising with the family and using existing household facilities.

To confirm there will be no separate;

- Address,
- Post Box
- Utility meters,
- Services such as internet, phone line and television,
- Parking,
- Garden area or curtilage, and
- Access

To reiterate 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.

SITE CONTEXT

Application Site

The application site is located in the north west corner of Gun Meadow Avenue, which is a small cul-de-sac consisting of 9 properties. The dwelling itself is a detached residential bungalow benefiting from off road parking and ample private amenity space to the rear.

The garden is bound on all boundaries by residential neighbours, however the curtilage of the property is well defined by high domestic fencing, this provides an effective screen ensuring a private garden and protecting the amenity of the adjacent neighbours.

Given this and the orientation of the neighbouring dwellings, the rear garden is afforded a good level of privacy.

The surrounding area is residential, this coupled with the spacious plots, it is not out of character to find ancillary buildings located in the surrounding gardens.

Site Designations

According to the adopted North Hertfordshire District Council Planning Proposal Map, the site is located within the settlement boundary and is not bound by any restrictive planning designation.

North Hertfordshire Planning Proposal Map Extract



Flooding

The Environment Agency's Flood Maps indicate that the site is within Flood Zone 1. Therefore, a **low** probability of flooding.

Annexe Planning

PLANNING POLICY

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.

The relevant policies against which to assess this proposal are contained within the adopted North Hertfordshire District Local Plan No2 with Alterations, Emerging Local Plan 2011-2031, National Planning Policy Framework (NPPF) and any relevant Supplementary Planning Documents (SPD).

North Hertfordshire District Local Plan No2

- Policy 33 – Staff and Relatives Accommodation
- Policy 57 – Residential Guidelines and Standards
-

Emerging Local Plan 2011-2031

- Policy D1 – Sustainable Design
- Policy D2 – House extensions, Replacement Dwellings, and Outbuildings
- Policy HS6 – Relatives and Dependants Accommodation

SPD

- Development Guidance and Requirements

NPPF

- Paragraph 7 – Dimensions to sustainable development
- Paragraph 9 – Improving the living conditions of the applicant
- Paragraph 14 – Presumption in favour of sustainable development
- Paragraph 50 – Meeting housing needs for those with disabilities
- Paragraph 53 – A safe, secure and enjoyable garden.

POLICY ANALYSIS

Principle of Development

This proposal seeks to create a granny annexe to provide ancillary accommodation for the applicant's mother, who due to advancing age and deteriorating health requires the support of her family. (**Please see submitted Personal Statement**). The construction of the granny annexe would allow the family to have peace of mind knowing they are close by and can provide the needed support now and in the future.

Saved Local Plan policy 33 provides the criteria as to what can be considered acceptable when it comes to this form of development;

- a genuine need can be shown; and
- its size is small and it is physically related to the existing dwelling, normally by the adaptation or extension of existing accommodation; and
- future occupancy is restricted, either to the purpose stated or to that ancillary to the existing dwelling, by condition with any planning permission.'

We will take each requirement in turn;

Need – As expressed at the start of this report the annexe will be occupied by the applicant's mother, who due deteriorating health requires the support and care of her family.

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 as it releases the stress on state funded care and provide a form of sustainable development.

Relationship with dwelling – While the annexe will not be physically attached, the annexe would have a clear dependency on the main dwelling for basic services. In addition to the clear connections between the house and the annexe, the layout of the annexe within the site clearly demonstrates that independent use would be difficult and undesirable.

To confirm there will be no separate;

- Access
- Address
- Utility Meters
- Laundry Facilities
- Garden
- Curtilage
- Post Box.

The above points were a strong consideration in the landmark case Uttlesford v SoS (Environment & White).

Inspector acknowledged that the annexe contained all the facilities for day-to-day domestic existence and was capable of being used as a separate dwelling house.

However, the inspector also stated that this did not mean that it had been so used; Factors of significance were the **lack of separate utility meters, postal address and telephone line. He also mentioned the lack of any separate curtilage or access arrangements**.

Future occupancy - The applicant would be happy to agree to an appropriate condition restricting the use of the annexe to only ancillary.

Whilst the National 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.

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."*

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"*

Given the above, we believe the principle of an ancillary annexe, subject to further assessment on; amenity, design and visual impact, should be considered acceptable.

Layout and Siting

Local planning policy seeks to ensure that any new development is satisfactorily located and provides a high standard of design being compatible with the character of the surrounding area.

The proposed annexe would be sited to the north west corner of the rear garden and will replace an existing outbuilding. Careful consideration was given to this positioning to ensure that the development would not negatively impact upon the amenity of the adjacent residential dwellings, but would maintain its ancillary relationship with the host dwelling while making efficient use of the site by replacing an existing building.

Therefore, the proposal will not result in any overshadowing, loss of light to the neighbours nor will it be visible from the streetscene.

We believe that the proposal would have no greater impact upon the surrounding area than any permitted residential paraphernalia and the existing structure. Overall, the annexe would assimilate within the garden and wider context and would visually corollate with the surrounding pattern of development.

Scale and Amount

The size of the annexe has been carefully considered to provide comfortable accommodation whilst ensuring the impact on neighbouring properties remains minimal.

The size has been considered to reflect the relationship of a traditional ancillary outbuilding, the single storey design will provide a clear subordinate appearance to the host dwelling and surrounding properties in terms of mass and scale.

Due to the size of the host plot the proposal does not look at odds with the surrounding pattern of development.

We believe that the proposal would have no greater impact on the surrounding area then 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.

Therefore, we believe the proposed annexe in its current form and size is acceptable, and in accordance with local planning policies.

Appearance

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 and the host dwelling.

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

- **Foundations** – Concrete pads (no deeper than 1m)
- **Roof Construction** – Pitched Roof – Double Pantile in Terracotta.
- **Joinery** – uPVC – Finished in Anthracite Grey.
- **External Cladding** – Marley Cedral Weatherboard (Grey)

We consider the proposed materials reflect the character of the area and integrates within the garden and rural context.

Annexe Access

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.

MATERIAL CONSIDERATIONS

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.

There are a number of material considerations that support this proposal which we consider should carry weight in the decision-making process.

Appeal Precedents

Whilst we appreciate applications should be judged on their individual merits, the following appeals are for a very similar proposal, all were allowed.

- **Appeal ref: APP/Q5300/D/16/3147827** – The appeal was against the London Borough of Enfield for the refusal of a granny annexe application, the appeal was allowed.

  The LPA concluded that the proposal would result in the creation of a separate dwelling. However, the Inspector found this conclusion to be incorrect, even though the annexe contained all the facilities to allow for independent occupation, this does not mean this would be the case.

  The Inspector attributed weight to the model condition suggested above to restrict the use to only ancillary. Please see paragraphs 5,6 and 7 of the attached appeal decision.

- **Appeal ref: APP/B3438/A/12/2188171** was decided against Staffordshire Moorlands District Council, the Inspector states:

  "Whilst I accept that the proposed accommodation would contain all the facilities required for it to be used as an independent unit, its overall size would be small and the level of facilities it would provide would be basic, which is what would be expected for accommodation that is ancillary to the main dwelling.

  I recognise that the grant of planning permission could result in pressure for the building to be used as a separate dwelling at the some point in the future. For the reasons set out above I consider that it is very unlikely to be occupied independently of the main dwelling.

  Moreover Circular 11/95 provides a model condition which could be attached to this permission to ensure that the occupation of this unit remains ancillary. The fact that such a condition is included in national guidance is an indication that it is capable of being enforced and I see no reason why the Council should not be able to investigate and take any action on any breach of the condition."

While each application should be judged on its own merits, consistency in decision making is paramount and has often be found the case at High Court.

Personal Need

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*"

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.)

It is considered the personal circumstances of the applicant's mother 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

The principle of the proposal can be considered acceptable, with the use of the annexe secured by a model condition that can be readily enforced.

This statement has demonstrated the proposals comply with both national and local planning policies in terms of amenity, design and visual impact.

This proposal seeks to provide a much-needed granny annexe that will help a family stay together and provide the required care for each other. Not only does this help relieve the stress on our public health care system, it provides a very sustainable form of development that should be championed.

We therefore respectfully request that this application is granted without delay.

The Planning Inspectorate

Appeal Decision

Site visit made on 13 July 2016

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 August 2016

Appeal Ref: APP/Q5300/D/16/3147827
82 Perry Mead, Enfield EN2 8BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Leslie Ernest and Ella Blinko against the decision of the Council of the London Borough of Enfield.
- The application Ref 16/00020/HOU, dated 5 January 2016, was refused by notice dated 1 March 2016.
- The development proposed is the erection of an ancillary granny annexe.

Application for costs

1. An application for costs was made by the appellants against the Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for the erection of an ancillary granny annexe at 82 Perry Mead, Enfield EN2 8BS in accordance with the terms of the application Ref 16/00020/HOU, dated 5 January 2016, subject to the conditions set out in the schedule to this decision.

Main issues

3. The main issues are firstly, whether the proposal would constitute a separate unit of residential accommodation, rather than an ancillary use; and secondly, the effect of the proposal on the character and appearance of the local area.

Reasons

Whether a separate unit of residential accommodation

4. Although the Council considers that the proposal is tantamount to a new independent unit of residential accommodation that is not what has been applied for. The application forms lodged with the Council make clear that planning permission is sought for the erection of an ancillary granny annexe. The Council validated the application on that basis.

5. The Council supports its opinion with reference to the intended occupier, which would be the appellant's daughter, the self-contained nature of the accommodation to be provided, the limited connection to the main house, and the ability to provide separate access and to subdivide the plot that is to be shared with No 82. With a bedroom, lounge, kitchen, bathroom and store, the

new building would have adequate facilities and sufficient space within and around it potentially for independent use by a separate household. Therefore, the Council's concern is not unfounded.

6. However, the evidence is not conclusive that the proposal would actually be used in this way. The appellants contend and have repeatedly stated in writing that it would not. The new building would provide for the needs of the appellant's daughter, enabling her to be on hand to care for her elderly parents that reside within the main dwelling. From my inspection of the plans, the use of the site, in its entirety, would remain for single-family occupation. The proposal would not have a separate address nor would it have separate utility provision or garden. All of these matters consistently point towards the ancillary nature of the proposal.

7. The use of the new building as an annexe could also be controlled by a condition if planning permission were to be granted. The model condition for granny annexes put forward in national guidance is designed to prevent the creation of an additional dwelling. This condition is capable of being enforced in this instance because there is no obvious reason why the Council should not be able to investigate and take any action with regard to any alleged breach of the condition.

8. A request to use the new building independently could be made in the future. However, its location within the garden of No 82, away from the road, with only pedestrian access would indicate that the building would not be suitable for use as a separate dwelling. If such a proposal did come to pass, it could be resisted on the grounds that the building would be unsuitable for use as a separate residential unit with support from adopted planning policies.

9. With a suitably worded condition in place to restrict the use of the new building to an ancillary annexe, I conclude on the first main issue that the proposal does not constitute a separate unit of residential accommodation and that it would be ancillary to No 82. Therefore, I find no conflict with Policy DMD 12 of the Enfield's Development Management Document (DMD). This policy notes that proposals for outbuildings will only be permitted if its criteria are met, which include a requirement that the building is ancillary to the use as a dwelling.

10. As the proposal is not for a separate dwelling, it follows that Policies 3.5 and 3.8 of the London Plan and DMD Policy DMD 8 are not applicable.

Character and appearance

11. The new addition would be a single storey detached building with timber walls and a dual pitched tiled roof. It would stand to one side of No 82 within its side and rear garden. It would be a sizeable addition and larger than ancillary outbuildings and structures that are generally found in the gardens of residential properties. During the site visit, I saw no outbuildings there were comparable in size to the proposal.

12. Even so, the proposal would be clearly subordinate in relation to the more substantive 2-storey host building and the site. A good-sized garden would remain with the new built form in place. With appropriate external materials and a low profile due to its modest height and shallow pitched roof, the new building would not be obtrusive. While the full-length windows would give the

proposal a residential character, its design would be simple with a utilitarian appearance that would not look out of place in a residential garden setting. Consequently, the new building would not be incongruous in its context.

13. The proposed building would be partly screened from public view by the main house and the boundary fence around the perimeter of the back garden. Only a small part of the new building would be glimpsed from the road, between the existing buildings. From this direction, the new development would be inconspicuous and have no discernable effect on the character and quality of the street scene. The upper part of the new addition would be visible from some gardens and windows of nearby properties. In these views, it would be largely seen in the context of the more substantial 2-storey flank wall of an adjacent property. In that context, the appeal development would not appear excessively large or an overly dominant addition.

14. For these reasons, I conclude on the second main issue that the proposal would not be out of keeping with the character and appearance of the local area. Accordingly, I find no material conflict with CS Policy CP30 and DMD Policies DMD 7, DMD 12 and DMD 37 insofar as they aim to ensure that development is appropriate to, and reflects an understanding of, its context and does not harm the character of the local area.

Other matters

15. The Council is critical of the appellants for failing to provide sufficient evidence to demonstrate a need for the proposed accommodation. In this instance, the proposed annexe would enable the appellant's daughter to live close to but independent from her parents. In this way, the appellants could stay in their home, thereby providing continuity and stability, while enabling them to be cared for and supported as they become more infirm and dependent. The appellants have provided a cogent case that the proposal, when taken together with the main house, would meet a need that is particular to their personal circumstances. In those circumstances, the new annexe would not, in itself, satisfy a specialist housing need, to which DMD Policy DMD 15 refers, but the application was not promulgated on the basis that it would.

16. Reference is made to case law and several recent appeal decisions involving proposals for annexes elsewhere. From the limited information provided, none appear to reflect the particular circumstances of this case. In the absence of full background details, I am unable to attach significant weight to these decisions either for or against the appeal scheme. In any event, each proposal should be considered on its own merits, as I have done in this instance.

Conditions

17. I have considered the conditions suggested by the Council in the light of relevant advice contained within the Planning Practice Guidance. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. In the interests of the character and appearance of the area, a condition is necessary to require that samples of external materials are agreed before construction work starts. In addition, a condition is also necessary to ensure the proposed building remains ancillary to the main house.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 0392-12-15/1A, 0392-12-15/2A, 0392-12-15/3A and 0392-12-15/4A.

3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 82 Perry Mead, Enfield EN2 8BS.