



# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 7 November 2017

**DEVELOPMENT:** Conversion of a double garage into an annexe ancillary to the main dwelling

**SITE:** Tanimola, 2 Testers Close, Southwater, West Sussex, RH13 9BF

**WARD:** Southwater

**APPLICATION:** DC/17/1566

**APPLICANT:** **Name:** Mrs Yetunde Quartermaine **Address:** Tanimola, 2 Testers Close, Southwater, West Sussex, RH13 9BF

**REASON FOR INCLUSION ON THE AGENDA:** At the request of Southwater Parish Council

**RECOMMENDATION:** To approve permission

## **1. THE PURPOSE OF THIS REPORT**

- 1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks retrospective permission for conversion of an existing double garage into a residential annexe. The annexe would provide a ground floor lounge area, bathroom and kitchen area (with cooking facilities) with a bedroom within the roofspace. The external alterations would comprise the removal of an external staircase, the replacement of garage doors with window openings, and alterations to window and door openings at ground and first floor levels.
- 1.3 The application sets out that the occupation of the annexe would be by a family member in connection with the occupation of the main dwelling.

### DESCRIPTION OF THE SITE

- 1.4 The application site comprises a detached property with detached garage located within the north-western corner of Testers Close, a residential cul-de-sac to the north of Mill Straight within the built-up area of Southwater. Testers Close comprises three detached chalet bungalows, no. 3 features two integral garages with nos. 1 and 2 feature detached garages adjacent to each other with surface parking to the front.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

- 2.2 **National Planning Policy Framework:**  
NPPF7 – Requiring good design  
NPPF14 – Presumption favour of sustainable development
- 2.3 **Horsham District Planning Framework (HDPF 2015)**  
HDPF1 – Strategic Policy: Sustainable Development  
HDPF32 - Strategic Policy: The Quality of New Development  
HDPF33 - Development Principles  
HDPF40 – Sustainable Transport  
HDPF41 - Parking

### RELEVANT NEIGHBOURHOOD PLAN

- 2.4 **Neighbourhood Plan**  
Southwater Parish has been designated a Neighbourhood Development Plan Area (Regulation 5 and 6). At present there is no 'made' plan.

The Southwater Parish Design Statement (PDS) was approved in 2011 and has the status of a Supplementary Planning Document.

### 2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

HR/78/86	Erection of 3 chalet bungalows and double garages	Application permitted on 29.05.1986
SQ/45/98	Conservatory	Application permitted on 25.06.1998

## 3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at [www.horsham.gov.uk](http://www.horsham.gov.uk).

### INTERNAL CONSULTATIONS

- 3.2 None required.

### OUTSIDE AGENCIES

- 3.3 Southwater Parish Council: Object for the following reasons:-

- Applicant has converted the garage into independent accommodation and made alterations to separate the building from the main dwellinghouse;
- Neither of the double garages can be used for parking. Occupants of neighbouring properties report excessive and inconsiderate parking;
- If the application is approved the flouting of planning regulations will be rewarded;
- Concern that an approval of the application would create a precedent.

3.4 West Sussex County Council Highways: No objection:-

- The works have resulted in loss of parking within the garage. The main dwellinghouse is still served by two parking spaces. It is anticipated that a property of this size together with an annexe creates a demand for a minimum of 3 car parking spaces;
- The LHA would only be able to raise an objection to the proposal if it created a severe residual highway safety issue (paragraph 32 of the National Planning Policy Framework).

PUBLIC CONSULTATIONS

- 3.5 One representation has been received commenting that should planning permission be granted a condition should be imposed to prevent future separation of the dwelling and annexe.

**4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS**

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

**5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

**6. PLANNING ASSESSMENTS**

Background

- 6.1 The application relates to external alterations which have taken place to the detached garage building to create annexe accommodation ancillary to the main dwellinghouse. The original planning permission included a planning condition which removed permitted development rights for extensions or alterations to buildings (both dwellings and garages) within the close. The external alterations therefore require planning permission.
- 6.2 The original planning permission did not though restrict or secure future use of the garage buildings for vehicular parking only. As such providing a material change of use has not occurred alternative use(s) of the garage buildings may not require planning permission. This application seeks consent for additional accommodation which the applicant has advised would be ancillary to the main dwelling, in the manner of a residential annexe. Annexe accommodation would not constitute a change of use for which planning permission would be required. Whether the nature and scale of the intended accommodation would be ancillary is considered below.

Proposed use

- 6.3 As set out above, the use of a building within a residential curtilage for purposes ancillary to a dwellinghouse would not normally constitute a development for which planning permission would be required (as no material change of use would have occurred). In this instance the proposed accommodation would provide all the facilities associated with a

self-contained residential dwelling, and it is noted that previous occupation of the building has not been connected to the main dwelling.

- 6.4 However, the application has been submitted on the basis of providing a residential annexe, and not a self-contained dwelling, and information has been provided which indicates a family member would occupy the building. The annexe is sited in extremely close proximity to the main dwelling, and the scale of the accommodation would be subservient to the main dwelling. The submitted plans do not indicate any subdivision of the plot, with occupants of the annexe and dwelling sharing the existing garden, and the site would be served by one primary access.
- 6.5 It is considered that the above factors would not necessarily lend themselves to future use of the building in the manner of a self-contained dwelling. The nature of the accommodation is instead accepted as being in the manner of an ancillary annexe. A condition is recommended to prevent future independent use of the annexe, and if necessary any alternative use / occupation could be investigated by the Planning Compliance Team. A further condition is recommended to secure implementation of a boundary treatment which would help to ensure access to the annexe through the main dwellinghouse, reinforcing the connection between the two buildings.

#### Character and appearance

- 6.6 Policy 33 of the HDPF seeks to ensure development is of a high standard of design and relates sympathetically with the built surroundings. The proposal has not altered the scale of the building with the key change to replacement of garage doors with timber boarding and window openings. The external alterations reflect the appearance of the adjoining garage and the main dwelling, and as such have not harmed the character or appearance of the site or wider surroundings. The visual impact is therefore considered to accord with the above policy and the Parish Design Statement.

#### Impact on neighbouring amenity

- 6.7 Policy 33 of the HDPF requires that development avoids unacceptable harm to the amenity of occupiers/users of nearby property and land. The external alterations have not changed the physical relationship between the site and adjoining properties and no harmful loss of light or outlook has resulted for adjoining residents. The revised window and door openings do not directly front neighbouring amenity space or windows and no harmful loss of privacy has therefore resulted from the proposal.
- 6.8 It is considered that normal domestic use of the building in an ancillary manner to the main dwellinghouse would not be expected to generate significantly harmful levels of noise or disturbance. Were complaints to be received in the future they could be investigated under separate, Environmental Health, legislation.

#### Impact on highways

- 6.9 The use of the former garage for ancillary residential accommodation removes 2 potential off-street parking spaces. However, as set out in paragraph 6.2, these spaces were not secured in perpetuity as part of the original planning permission for the Close, and as such it is not possible to ensure retention of the garage buildings for the purposes of parking. The site still benefits from off-street parking. It is apparent that street parking is in heavy demand in this locality. It would though be difficult to substantiate that these parking issues are a result of, or would be significantly further impacted by, the proposed residential annexe. It is therefore considered that a refusal of the application on parking grounds would be an extremely difficult position to sustain at any potential appeal. It is noted that the Highway Authority has raised no objection to the proposal. For the reasons outlined the proposal is considered to accord with Policies 40 and 41 of the HDPF.

## Conclusion

- 6.10 The provision of ancillary residential accommodation on the site would not result in significant harm to visual or neighbouring amenity and is considered acceptable with regards the resulting impact on highways. The proposal is therefore considered to accord with relevant local and national planning policies.

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that planning permission is granted subject to the following conditions:

1. List of approved plans
2. **Pre-Occupation Condition:** The ancillary annexe accommodation shall not be occupied until details of gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The gates, fences and walls shall be implemented as approved and shall thereafter be maintained in accordance with the approved details.

Reason: In order to prevent future alterations which would compromise the relationship between the ancillary annexe accommodation and main dwelling, and to safeguard the character and amenities of the locality and highway safety, in accordance with Policies 33 and 41 of the Horsham District Planning Framework (2015).

3. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or Orders amending or revoking and re-enacting the same, no gate, fence, wall or other means of enclosure other than that approved by condition 2 of this permission shall be erected or constructed without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to prevent future alterations which would compromise the relationship between the ancillary annexe accommodation and main dwelling, and to safeguard the character and amenities of the locality and highway safety, in accordance with Policies 33 and 41 of the Horsham District Planning Framework (2015).

4. **Regulatory Condition:** The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of Tanimola, 2 Testers Close as a single dwellinghouse and shall not be used as a separate unit of accommodation.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policy 33 of the Horsham District Planning Framework (2015).