

Reference: 06/21/0771/F

Parish: Great Yarmouth

Officer: Chris Green

Expiry Date: 10-11-21

Applicant: Mr and Mrs Wintle

Proposal: Erection of a timber single storey granny annex for ancillary use to the main dwelling

**Site: 20 Conifer Close
Ormesby St Margaret**

REPORT

This application is brought before the Development Control Committee as one of the applicants is an employee / serving officer of the Borough Council.

This application was reported to the Monitoring Officer on 01 December as an application submitted by an officer in a personal capacity and on land in their ownership. The Monitoring Officer has checked and made a record on the file that she is satisfied that it has been processed normally and the officer has taken no part in the Council's processing of the application.

1. Location

The site is within the physical limits for Ormesby.

2. Site and Context

2.1 The dwelling is a detached bungalow amongst detached bungalows on larger corner plot. There is a larger bungalow on a smaller plot to the north east against the boundary where the annex is proposed.

2.2 The site while having large areas of highway facing gardens has private garden space created by the use of tall evergreen hedging planted up to the footway along both Conifer Close and Pine Close, and running all around the site and over 3m high in most part.

3. Proposal

- 3.1 The proposal is for a single-storey flat roofed recycled composite timber/plastic clad annex with two bedrooms. The proposal would be light touch in terms of its site impact with foundations by short screwed (non-impact) piles.
- 3.2 A statement of personal need has been provided. A submitted design and access statement also clarifies acceptance of a planning condition limiting usage to ancillary functions. There is also reference made to appeal and court case history supportive of special consideration of personal need.
- 3.3 The annex would be at the north end of the site set substantially in front of the building line on Pine Close (the road to the west of the site), but partly concealed by the boundary planting against the road. There is some screening on the north boundary within the neighbour's garden at 13 Pine Close but this is much more modest than the beech hedges found on the applicant's site.
- 3.4 The original submitted plans show the annex is proposed to be sited 1m from the northern boundary with 13 Pine Close, though revisions have been requested to consider whether further space is needed from the boundary due to screening / visibility concerns and for protection of the trees and hedges on the north boundary. If amended plans are received Members will be updated verbally at the Committee meeting.
- 3.5 Accompanying the proposal are the following documents:
- Planning Application Forms and Certificates of Ownership;
 - Application drawings as detailed on the Drawing Register;
 - Design and Access statement
 - Flood Risk Assessment and mitigation and evacuation proposals
 - A letter assessing lack of sequentially preferable site availability
 - Habitat Regulations Assessment

4. **Relevant Planning History**

06/19/0307/F approved 16.07.19: Single storey front, rear and side extensions. Not implemented but still extant (it can be implemented in time to 16.7.22).

5. **Consultations:-**

All consultation responses received are available online or at the Town Hall during opening hours

5.1 **Norfolk County Council – Local Highways Authority – No Objection.**

5.2 **Arborist:** The arborist advises that a 2m gap to the north between the boundary and the annex is required to ensure hedge survival and any replanting being able to prosper.

- 5.3 No comments appear to have been received from the Parish Council.
- 5.4 No comments have been received from neighbours / general public.

6. Assessment of Planning Considerations:

- 6.1 Section 38(8) of the Town and Country Planning Act 1990 (as amended) and paragraph 47 of the National Planning Policy Framework set out in planning law that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 At the time of this DC Committee meeting the local development plan comprises the adopted Local Plan (2001) policies and the Core Strategy (2015). The emerging Local Plan Part 2 (LPP2) has received support from the Planning Inspectorate and is due to be considered for adoption on 09th December 2021, and those policies will replace the Local Plan 2001 and modify some policies of the Core Strategy. The NPPF states at paragraph 48 that weight should be applied to emerging policies commensurate with the progress made towards adoption. As such it is considered that significant weight should be given to the policies within Local Plan Part 2 in the determination of this application.
- 6.3 Whilst the Council has an up-to-date development plan and 5-year-housing land supply the National Planning Policy Framework remains a material consideration but the development plan retains primacy.

Relevant Policies:

- 6.4 Emergent Policy H10: "Residential annexes", is supportive where compliant with house extension (emergent) policy H9 and sets out tests as to whether a building can be properly considered as an annex: The annex must be ancillary, and subordinate in scale, to the principal dwelling, in the same ownership as, and occupied in conjunction with, the principal dwelling; and must share the existing access, curtilage, garden and parking of the principal dwelling without differentiation.

All the foregoing considerations are deemed to be met. The policy would also expect conditions or other mechanisms to be used to ensure the annex remains in the same ownership and is occupied in conjunction with the principal dwelling.

- 6.5 LPP2 policy H10 also states: *"the annexe [must be] capable of practical incorporation with the principal dwelling once there is no longer a need associated with it."* Because this is detached from the dwelling however the clause requiring practical incorporation with the principal dwelling once there is no longer a need for the annex, is perhaps a little less clearly established. It is accepted that the largely prefabricated nature would not adapt well to being attached to the existing conventionally constructed dwelling and the position of the existing garage would make such attachment difficult to arrange.

- 6.6 Design and amenity policies under retained Local Plan policy HOU18, BNV18 and Core Strategy policy CS9 are discussed at 6.14.

Principle of development – annex status

- 6.7 A two-bedroom annex might be capable of becoming a separate dwelling in the location of this proposal. Separate access and physical separation would allow the possibility of drive access off the side road. It should be noted that the road is unclassified and planning permission would not be needed to create a separate access if space existed. A two-bed annex is not considered unreasonable however as the second bedroom in such cases often serves the needs of a live-in carer.
- 6.8 The agent has explicitly stated their acceptance of a condition requiring the use to remain ancillary with the dwelling-house, this written acceptance, submitted with the application makes a successful appeal against such a condition highly unlikely and so the use of a condition is deemed to suffice in regard to tying the two buildings together in perpetuity.
- 6.9 It is necessary as a condition because if separated, the resulting two plots would be atypically small for the context and neither property would have the facilities necessary to serve an independent dwelling at either plot. This is more so because there is the still valid unimplemented extensions permission at the host dwelling (ref 06/19/0307/F).
- 6.10 In further consideration of the earlier extant permission, it is considered that the cumulative effect of both that scheme if implemented and the annex here proposed on the amount of external private amenity space remaining would not be disproportionate so long as the annex remains ancillary in its use to the main dwelling; in that way there remains sufficient garden available for both parties (host dwelling and annex residents). If the curtilages were in future proposed as divided, this would not be the case, and similarly if the hedge were to be removed the balance of private amenity space would also be harmed. As such the condition is necessary to ensure the proposal does not cause over-development if the extant permission and this application and separation into separate dwelling plots were all to proceed
- 6.11 Because of the relatively lightweight form of construction employed, a condition requiring removal once the necessity for it ends was suggested. The building, primarily (prefabricated) off-site construction, is a high value item, and so this suggestion was been rejected by the applicant. That said because it is to a greater extent, capable of transporting away from site its removal is not technically unfeasible.
- 6.12 This reluctance to remove the building when no longer required is not regarded as fatal to the proposal, providing the future of the hedges and screening to all sides is secured. The hedge provides an important contribution to the street scene, creating a verdant character on a prominent corner location and its loss would be regrettable in itself, and detrimental if it exposed views of the proposed annex. A condition that would require removal of the annex should the hedge

not be maintained and retained is considered necessary and given the ease of removal and potential reuse value, not unreasonable.

- 6.13** The applicant has noted the comments by judge Scarman that consideration of personal need can form a part of the planning process. The design and access statement describes this as a "strong material consideration", albeit the judgement from 1985 is somewhat dated. Officers suggest this matter is a material consideration, but so too should the enduring nature of the impact on context of planning decisions be an important material consideration.

Design and amenity

- 6.14** Retained policy HOU18 and BNV18 deal with extensions to dwelling-houses, which would include detached curtilage ancillary buildings including an annex proposal: these policies require proposals to be in keeping with the area and the design of the existing dwelling, and that respect surrounding neighbour amenity and do not lead to site over-development. Adopted 2015 Core Strategy policy CS9 also considers matters of amenity both for existing and future residents.
- 6.15** The position of the annex on the site is such that if the tall hedges along the road were to be removed or lowered below the height of the annex building, then the street scene impact would be quite noticeable. For this reason, a condition for the retaining of the hedges, or replacing any dying sections, to maintain screening is proposed.
- 6.16** Equally there is somewhat less screening available to the northern boundary which would expose some of the building to views along Pine Close and have more potential to be overbearing to the neighbouring dwelling. Revised plans and a suitable screening solution should overcome these concerns and will be reported to the Committee meeting by verbal update; it is not considered necessary to consult the current neighbours on the proposed mitigation strategy which will improve the relationship between the two sites.
- 6.17** If suitable screening can be found (to be confirmed) the proposal would have little material impact on the nearest neighbour to the north, because the screening solution to be agreed will make it less dominant, and any revised siting to increase the distance to the boundary will further improve matters, so that light, outlook and privacy will be largely unaltered, providing the screening solution (to be agreed) remains in place.
- 6.18** While the design and access statement mentions the sustainability of the materials proposed in this system built building, there are no details of exact materials to be employed. Normally a condition might be applied for these to be submitted, however given the screening techniques required and the hedges along the road it is considered this is unnecessary in this unusual case.
- 6.19** By moving the proposed annex's second bedroom window onto the west elevation, amenity for the occupant of that bedroom would be improved; these are amendments requested along with possibly the re-siting of the building and

securing adequate screening, to be provided in revised plans before the Committee meeting.

Highways and access

- 6.20** As no changes to access are involved with the proposals, the County have not objected. There remains ample parking on site for 3 cars for the host dwelling and a car for a carer to attend the annex.

Ecology and landscaping

- 6.21** It may be necessary to reposition the annex away from the north boundary to ensure that the trees and hedge along the shared boundary are not constrained and to ensure any replanting can prosper. Updated tree officer comments and revised plans can secure this before the Committee meeting.

Other material considerations

- 6.22** NPPF (2021) paragraph 62. provides some role for the planning system in providing housing for particular groups such as older people, and people with disabilities. The policy is written in terms of provision of land for independent housing but could be deemed to include bespoke solutions such as annex dwellings for family members.

Local Finance Considerations:

- 6.23** Under Section 70(2) of the Town and Country Planning Act 1990 the Council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant such as new homes bonus, or the Community Infrastructure Levy (which is not applicable to the Borough of Great Yarmouth). Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority, for example.

7. The Planning Balance

- 7.1** It is considered that the site is appropriate for an annex, in this position forward of the prevailing building line, only by virtue of existing screen planting and opportunity to provide additional screening and reduce visibility to the north.
- 7.2** The applicant has cited weight to be accorded to personal circumstances, however the principle of ancillary buildings of the scale and height proposed here are considered acceptable subject to the hedge and screening to be provided remaining, so the personal circumstances need not be accorded weight in justification as the proposal is acceptable and its impacts can be mitigated by conditions.

8. Conclusion

- 8.1** The proposal is acceptable with the hedge screening in situ, and if suitable separation distance and screening from the north boundary can be secured, both of which will need to remain in place in order for the impact of this modest building not to be felt.

9. RECOMMENDATION: -

Subject to receipt of revised plans which show:

- (i) Appropriate screening provision to the northern boundary; and,**
- (ii) Amended siting of the building as necessary to protect existing planting and allow any new planting to thrive on the north boundary; and,**
- (iii) Amended floorplan and elevation showing repositioned window,**

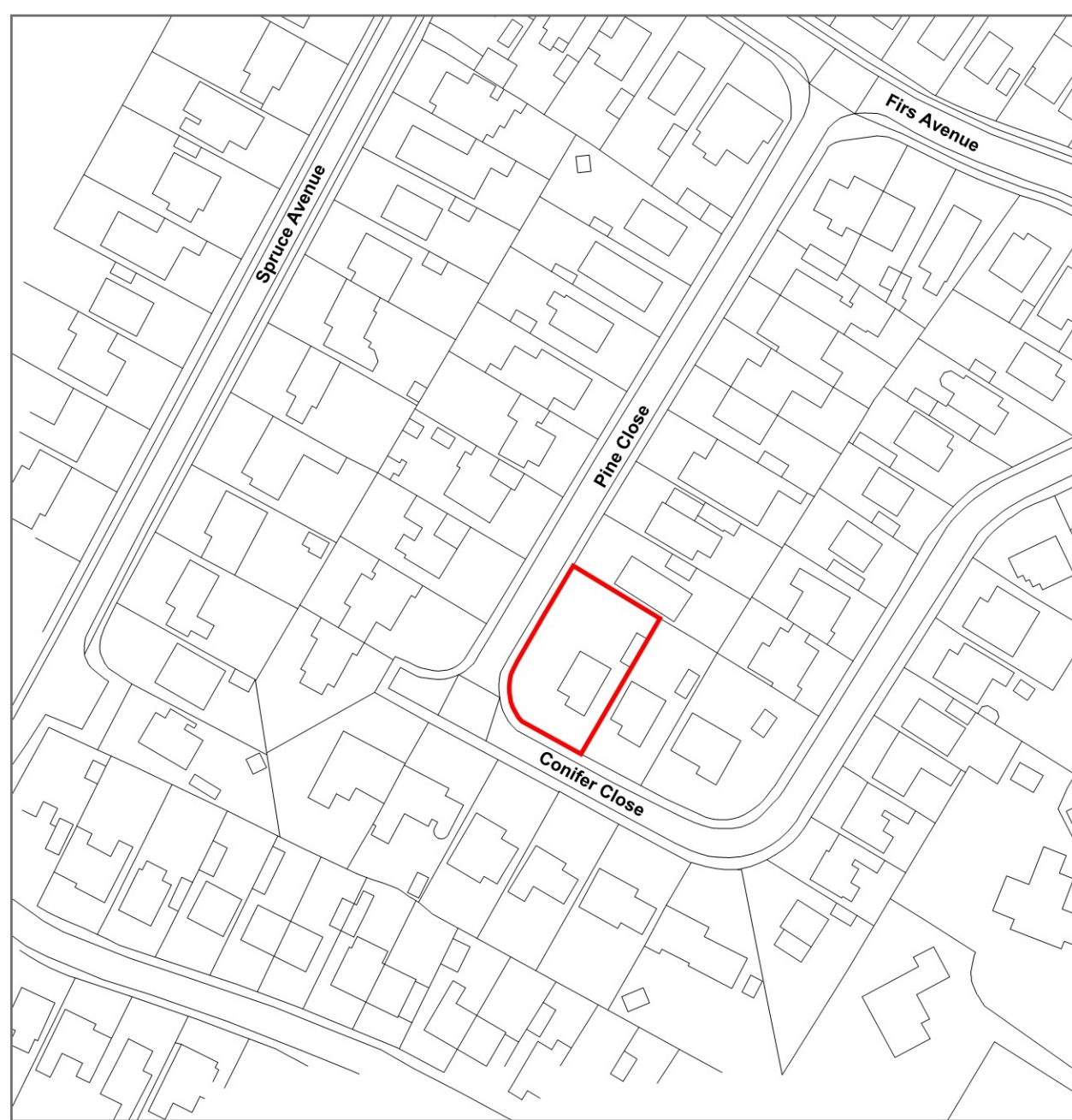
To: Approve, subject to the conditions including:

1. Time limit
2. Drawings
3. Use as an annex only – and only to be ancillary to host dwelling.
4. The annex building shall remain in the same ownership as the host dwelling.
5. Hedges alongside the road to be maintained at a level no lower than the highest point of the new building being constructed.
6. Screening solutions to the north boundary to be agreed and provided prior to erection of the annex building and to be retained thereafter.
7. Hedges alongside the road and new boundary screening along the north boundary are to be retained for the lifetime of the annex development - and in the event that any part of the hedge / screening fails, those failed sections to be replaced with hedge/replacement screening of equal stature (or details to be agreed), in the next growing season.
8. The annex building is to be removed within 3 months of the hedge ever being removed.

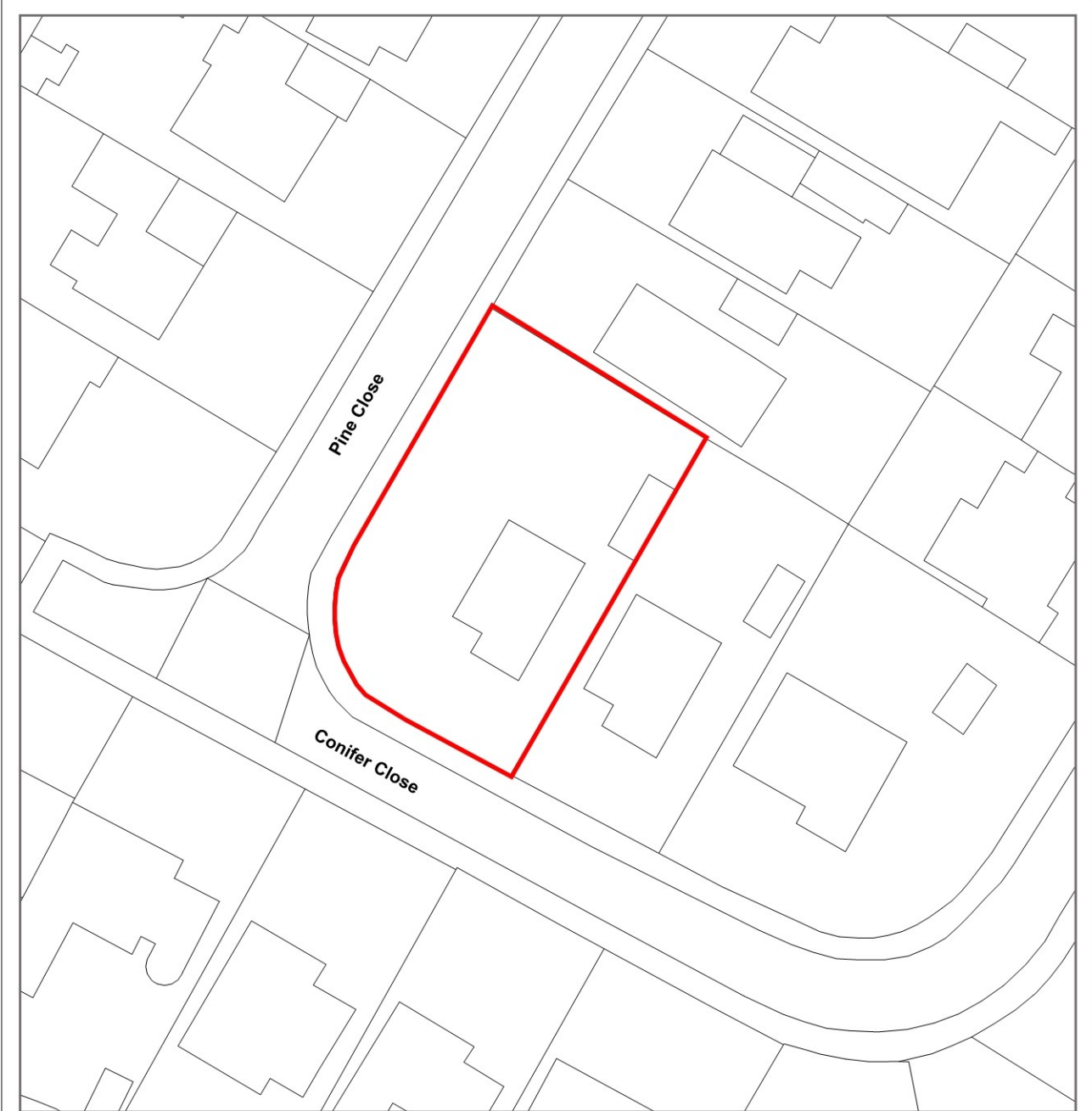
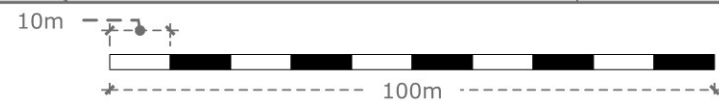
And any other conditions considered appropriate by the Development Manager.

Appendices:

- Appendix 1 Site and Location plan existing
- Appendix 2 Site plan proposed
- Appendix 3 Elevation proposed
- Appendix 4 Floor plans proposed
- Appendix 5 Aerial View



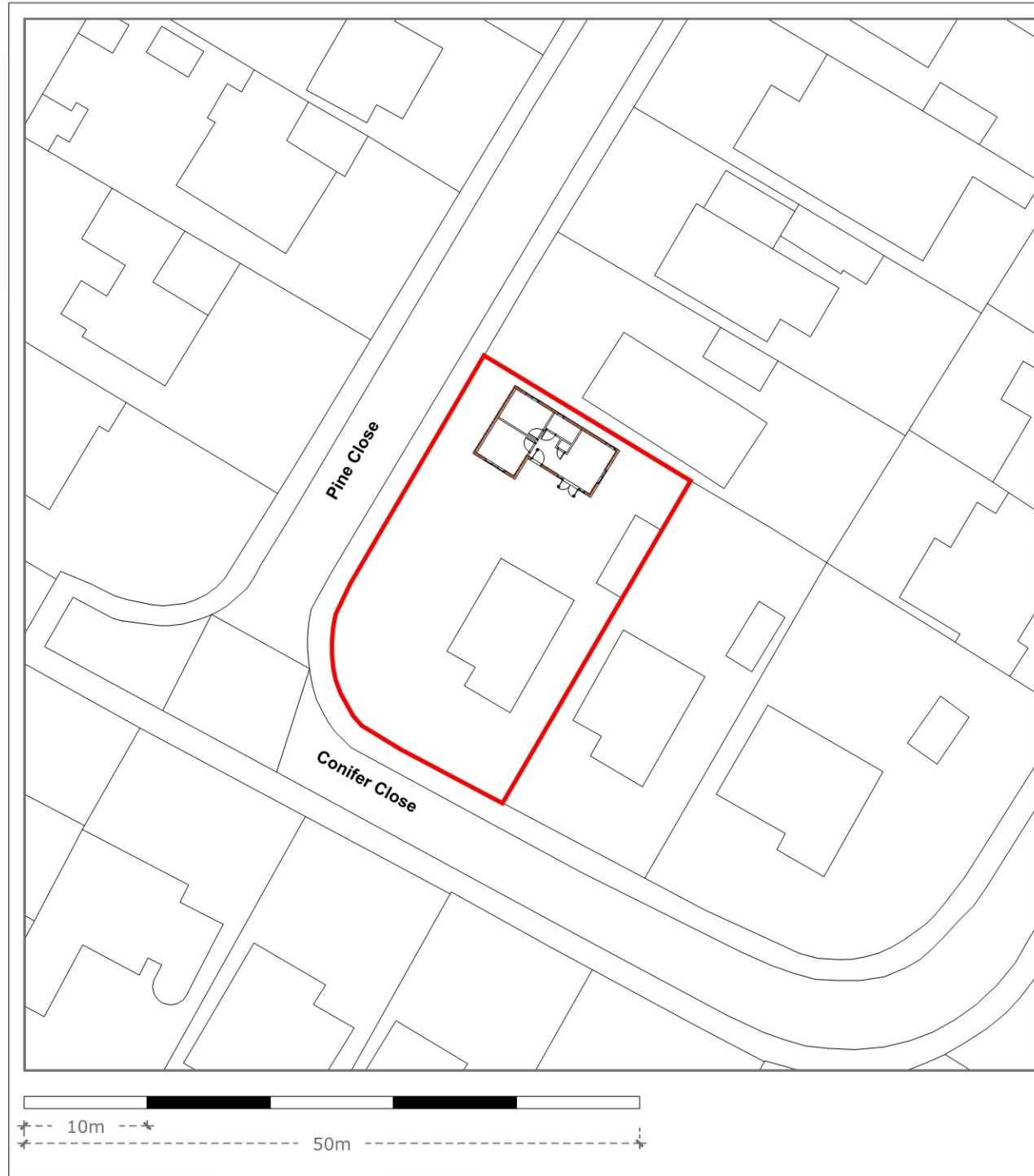
Existing Location Plan (1:1250)



Existing Block Plan (1:500)



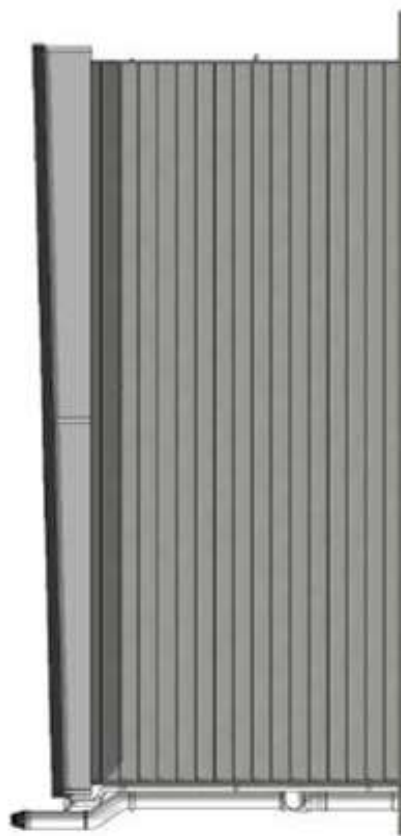
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South Elevation



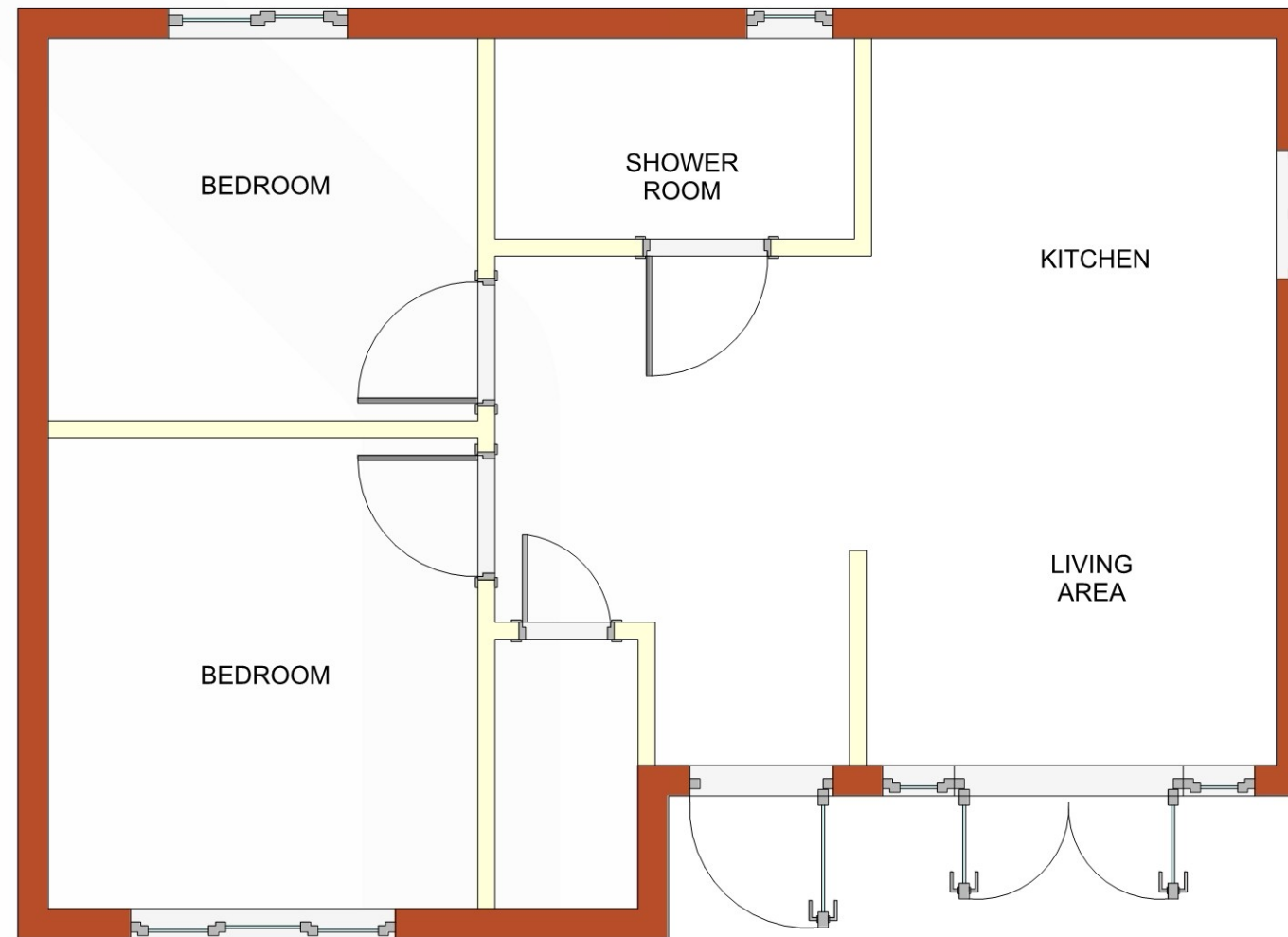
West Elevation

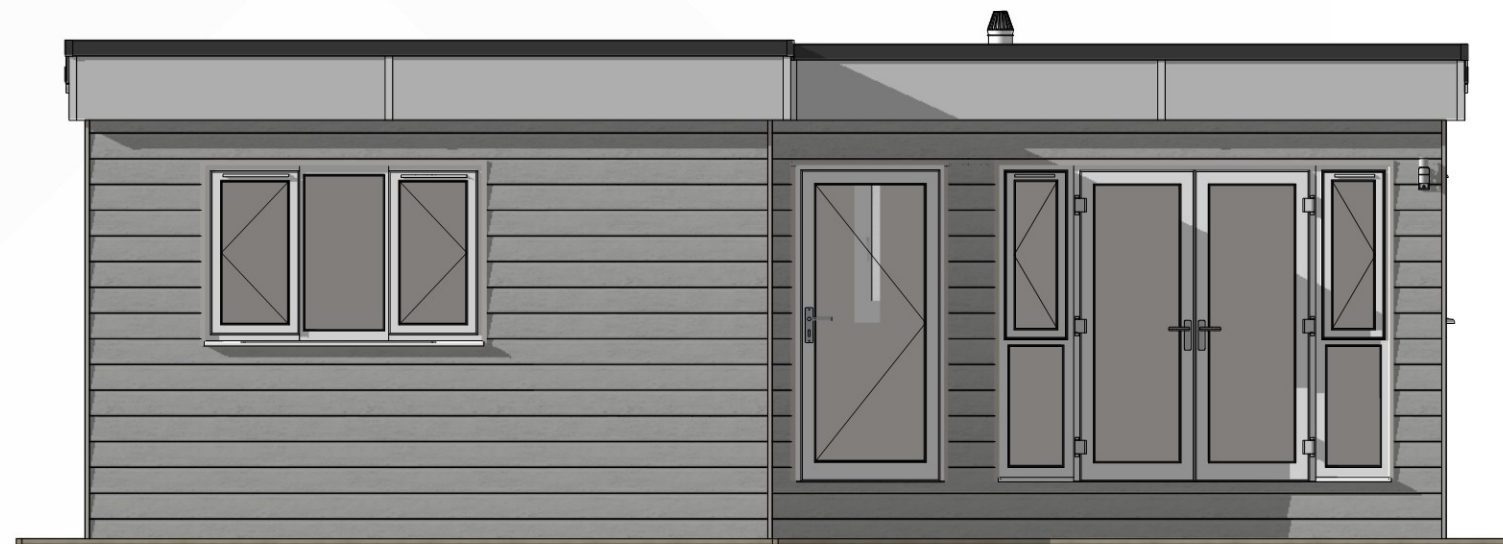


East Elevation



North Elevation

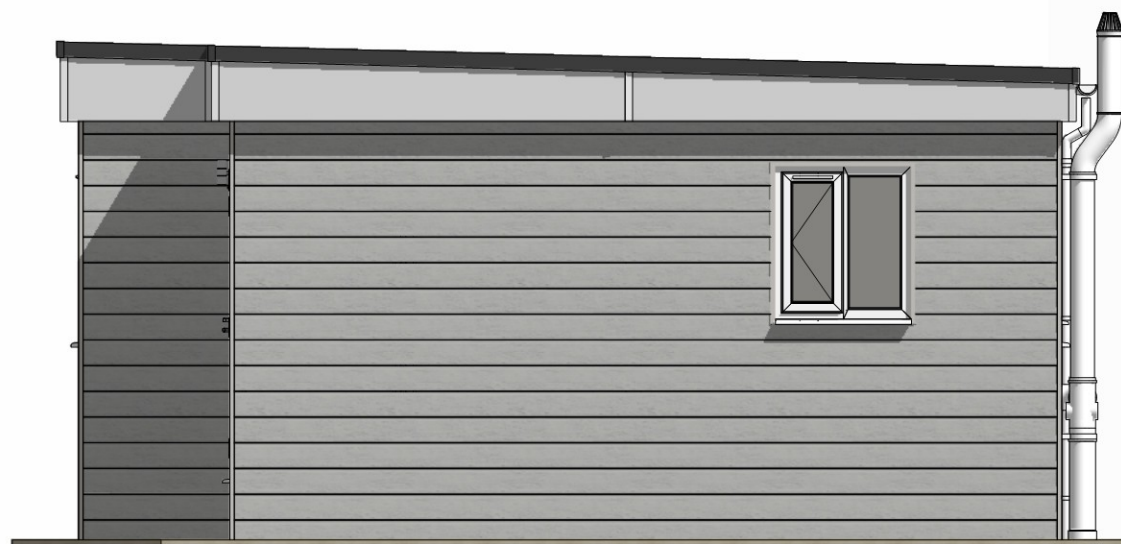




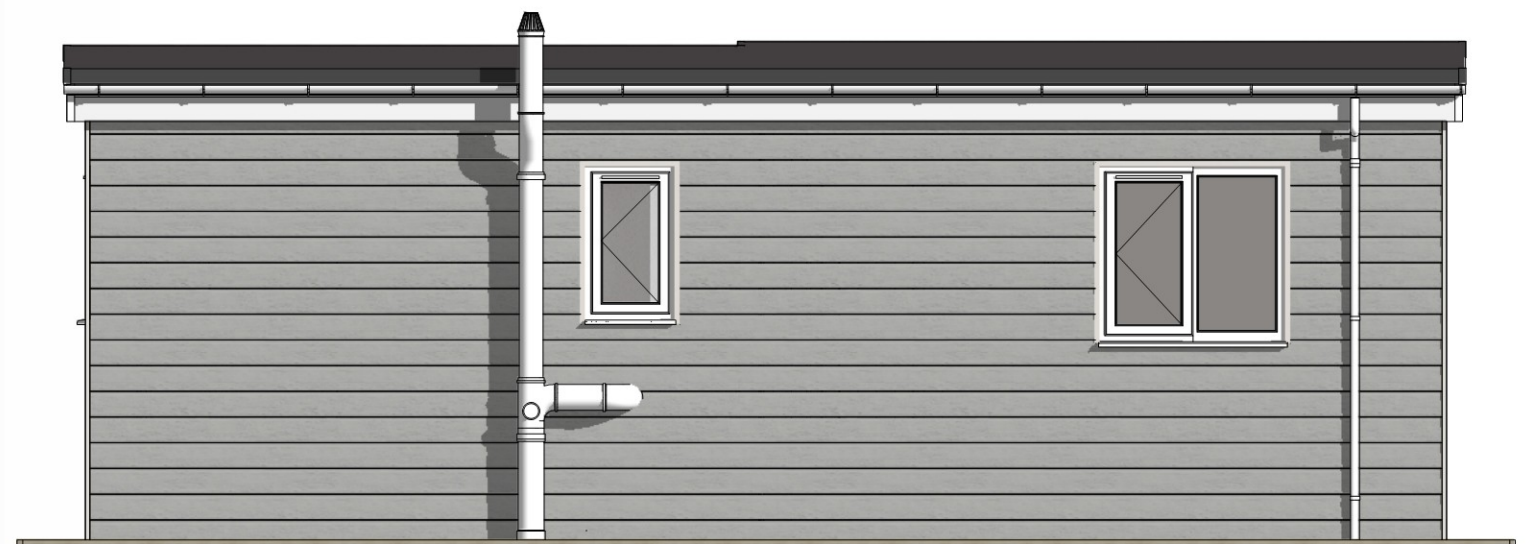
South Elevation



West Elevation



East Elevation



North Elevation

