

MEETING:	PLANNING COMMITTEE
DATE:	25 MARCH 2015
TITLE OF REPORT:	143820 - PROPOSED SUBSERVIENT SINGLE STOREY SELF CONTAINED ANNEXE, ANCILLARY TO EXISTING DWELLING HOUSE AT SEFTON COTTAGE, VOWCHURCH, HEREFORD, HR2 0RL For: Mr Painting per Mr Alex Coppock, Studio 1, The Grange, Shelwick, Hereford HR1 3AW
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=143820&search=143820
Reason Application submitted to Committee – Re-direction	

Date Received: 23 December 2014 Ward: Golden Valley Grid Ref: 336547,236858
South

Expiry Date: 5 March 2015

Local Member: Councillor GJ Powell

1. Site Description and Proposal

- 1.1 Sefton Cottage is located on Vowchurch Common, 2km to the south-east of the identified settlement of Peterchurch and 250 metres to the north-east of the B4348. The dwelling is located off a private, unadopted road which is accessed off the U75402 which in turn is off the B4348. The land rises sharply and steadily between the B4348 and the application site and continues to rise to the north east. Land within the site boundaries is reflective of the wider, steep gradient.
- 1.2 Sefton Cottage is located within a small cluster of residential development comprising 5 dwellings and associated outbuildings. The wider area of Vowchurch Common is typified by open fields and woodland with small clusters of residential development of varying character and design.
- 1.3 The application is described as the erection of a “subservient, single storey self contained annexe, ancillary to the existing dwellinghouse” referred to as ‘the annexe’ from hereon. The annexe would be sited 9 metres to the north-west of Sefton Cottage and would be accessed via a set of remodelled steps. It would measure 6.4 metres by 10.5 metres in plan form with an eaves height of 2.3 metres and a ridge height of 4.2 metres (both measured relative to the lowest ground level adjacent to any part of the proposed building). The annexe would be ‘dug in’ to the site’s natural slope which rises some 1.2 metres in height from front to back so that the eaves height at the rear of the building is 1.3 metres from the ground. The annexe would be of timber frame construction with weatherboard cladding under a natural slate roof. A large proportion of glazing would also be provided, particularly to the front (west) elevation which would be entirely glazed. The scheme also includes a landscaping scheme, the predominant provision of which would be an area of hard standing to the fore of the annexe.

Further information on the subject of this report is available from Mr Matt Tompkins on 01432 261795

2. Policies

2.1 National Planning Policy Framework (NPPF)

2.2 Herefordshire Unitary Development Plan (HUDP)

S1	-	Sustainable Development
DR1	-	Design
DR2	-	Land Use and Activity
H7	-	Housing in the Countryside Outside Settlements
H18	-	Alterations and Extensions
LA2	-	Landscape Character and Areas Resilient to Change

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

2.4 Herefordshire Local Plan Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
RA1	-	Rural Housing Strategy
RA2	-	Herefordshire's Villages
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
SD1	-	Sustainable Design and Energy Efficiency

3. Planning History

3.1 None applicable to this site or application

4. Consultation Summary

4.1 No consultation responses

5. Representations

5.1 The Parish Council object to the application:

"So far as the Parish Council is aware, under the current planning policy, no new developments would be permitted in open countryside, other than those associated with agriculture, forestry or rural enterprise.

The proposal to construct a separate building at Sefton Cottage has to be considered in the light of this policy.

The policy may be amended slightly with adoption of Herefordshire Council's Core Strategy, by setting a target for some limited development within the settlement boundary for Vowchurch Village. The Parish Council has supported this relatively minor change.

The planning application is quite wrong to claim that Vowchurch Common is currently included in the Vowchurch settlement boundary and therefore that some development might be permitted. This has never been the case. Moreover the work on the neighbourhood plan has shown that there is no significant local support to extend Vowchurch's settlement boundary to

include Vowchurch Common. The neighbourhood plan will therefore confirm the existing settlement boundary as the area in which some proportionate development might take place.

The current proposal would create a dangerous precedent which could lead to many similar applications for developments which would have a detrimental impact on Vowchurch Common and the surrounding area. This is to say nothing of the adverse impact on existing roads and services.

The Parish Council and local people are concerned about the possibility that at some future date the new building could be separated from the existing house and be sold as a separate dwelling. This would cause considerable resentment, especially amongst those who have failed to obtain approval for their own new houses.

The Parish Council has consulted the neighbours who would be most affected by the proposed development and who are making objections to the application. It is aware of and shares the significant concerns these people have about the impact of the development on them personally.

Although a rear extension to the house had been effectively ruled out in the applicant's Design and Access statement, it is quite probable that some sort of retaining structure will be required to support the adjacent road in the not too distant future. This would make a rear extension feasible and much more acceptable to the Parish Council and local people.

The Parish Council has come to the conclusion therefore that the application should be refused.”

5.2 27 written representations have been received comprised of 18 letters of objection and 9 supporting letters.

Letters objecting to the proposed development are summarised as follows:

- A detached annex is, in effect, a separate dwelling and may raise the possibility of it being sold separately from the main dwelling at a later date;
- Future development of the area is in question. The annexe could be developed in the future to create a much larger property. This would increase traffic on an already very busy single track road;
- This application is on an unadopted lane. Local residents have had to maintain their lane for many years and increased usage is a concern;
- The local road network is already blocked at times by delivery vehicles, even to pedestrian traffic.
- The village plan states that the area for development within Vowchurch is in the village area, not on the common;
- Other local residents have had similar proposals refused, if this is accepted then many others will be applying using this as a case for acceptance;
- The proposal could affect the view from the bungalow known as Fair View;
- The Council has for at least 20+ years had a firm policy that no additional free-standing houses should be built on Vowchurch Common given the poor access and fully stretched public services;
- Verges and hedgerow of the road leading to the common are being eroded and further traffic would erode these further;
- The pleasant rural character of the common would be spoilt if more houses were built;
- Objections have been lodged by neighbours whose support is claimed within the submission;
- The economics of building an extension should not be a reason to approve the application;

- The application site is outside of Vowchurch village boundary which is to the other side of the B4348 both historically and in emerging local plans; and
- Many objecting letters state that they would not object to an extension.

Letters supporting the proposed development are summarised as follows:

- As a result of the development, no further people would be living at the property. It is a matter of providing more accessible accommodation for the members of the family who already live within Sefton Cottage;
- The annexe would provide the family with the space which they need to function providing a sensible extension for now and in the future;
- The family have a need for further space given the recent health concerns of the applicant's mother who has had a stroke and many falls;
- The applicants could not have planned for such an event when moving in August 2013;
- There will be no additional traffic as the proposed user already lives in the house and presumably she will actually stop driving in the future;
- The applicants would prefer to have an extension but attached to the house but such a provision has been deemed unsafe;
- Each application should be considered on its own merits;
- Neighbours have been kept informed of the development, making amendments to plans demonstrating their efforts to cause minimal impact on their neighbours;
- The applicants are willing to sign an agreement saying the building will not be sold off separately; and
- The design of the proposed building would be of good quality using materials that compliment the setting and dug into the bank to minimise its potential impact.

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 HUDP Policy H7 seeks to resist residential development in the open countryside outside of identified settlements other than in exceptional circumstances. One such exceptional circumstance is for the providing of ancillary development to a building which benefits from an established residential use. In proposing ancillary accommodation, an annexe, to the established residential unit of 'Sefton Cottage' it is considered that the principle of the proposed development is broadly acceptable.

6.2 The first issue is therefore whether or not the annexe represents accommodation which is truly ancillary to the main dwelling or whether it represents a new dwelling. It is officer opinion that the annexe does represent ancillary accommodation, the principle of which is supported by HUDP Policy H7, for the reasons outlined below.

6.3 In defining development, Section 55(1) of the Town and Country Planning Act (1990) defines development as being, "the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land (officer underlining)." Section 55(2)(d) goes on to state that "the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse" shall not be considered to amount to development. It can therefore be inferred that no material change of use of the land will have taken place if a part of an existing residential unit is used for purposes incidental to the predominant use.

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- 6.4 Interpretation of this part of the legislation has, over time, given rise to the now well-established principle that the right to use land for a singularly defined purpose includes the right to use it for purposes which would be ancillary to that primary purpose. The inherent requirement of an ancillary use is that there should be a functional relationship with the primary use of the planning unit.
- 6.5 In this instance, the annexe would be occupied by the mother of the occupant of Sefton Cottage who would be provided with a degree of care by the son and his family. The building would provide a kitchen, bedroom, living room, dining area and bathroom. Furthermore, it is stated that the applicant's preference was to provide the requisite increase in accommodation as an attached element. However the engineering difficulties in providing an extension to Sefton Cottage rendered such an approach unfeasible. This statement is supported by an engineer's report which raises significant concerns for the stability of land both within and outside the application site should an extension be provided. Whilst the economics of a proposal is not a reason to approve an otherwise unacceptable application, it can contribute towards an appraisal of the applicant's intended use of the proposed building. On the basis of the information provided, it is your officer's opinion that the proposed annexe would be used for purposes ancillary to the use of the main dwelling and as such a separate planning unit would not be created and no change of use would transpire.
- 6.6 In reaching this conclusion regard has been had for the High Court case of Uttlesford DC v SSE & White [1992] where it was found that even if detached accommodation were provided with a level of facilities rendering that building capable of independent occupation, it would not necessarily become a separate planning unit from the main dwelling; it would remain a matter of fact and degree. That case involved the altering of a garage to provide the occupant with the facilities of a self-contained unit although it was intended to function as an annexe to the main dwelling only, with the related occupants of both the annexe and main dwelling continuing to use the site as a single planning unit. There is no reason in law therefore why the provision of a level of facilities within a building rendering that building *capable* of independent occupation should automatically be considered to have created a separate planning unit from the main dwelling. It remains a matter of fact and degree. If a dwelling and outbuilding with complete range of facilities remains in single family occupation and continues to function as a single household, no separate planning unit will have been created and no material change of use is involved.
- 6.7 If Members find the annexe to be ancillary to the use of Sefton Cottage as recommended, then the detail of the proposal falls to be considered against HUDP Policy H18 which makes provision for buildings incidental to the enjoyment of a dwelling. HUDP Policy H18 is broadly compliant with the design objectives of the NPPF found at chapter 7 and as per the test of development plan policies laid out at paragraph 215 of the NPPF, continues to attract significant weight in the determination process.
- 6.8 HUDP Policy H18 requires that outbuildings within an existing residential planning unit allow the original dwelling to remain the dominant feature of the site whilst being in keeping with the existing dwelling in terms of detailed design, scale and massing. Regard is also had to the resultant level of parking and amenity space and the residential amenity and privacy enjoyed by occupiers of neighbouring dwellings.
- 6.9 The proposed building is located away from the existing parking area of the site and would not therefore reduce the level of parking available to Sefton Cottage. Similarly in occupying a large plot, the reduction to the outdoor amenity space of Sefton Cottage would not be unacceptable either in terms of the character of the area or the ability to enjoy the space associated with the property.

- 6.10 The annexe would be 25 metres south-west of Fairview and 26 metres south-east of Evandine. By virtue of these distances, the proposed building's low height and its comparatively lower slab level (significantly in respect of Fairview), the annexe would not unduly reduce the outlook, privacy or daylight levels of occupants of those dwellings or any other dwelling.
- 6.11 Being provided downslope from Sefton Cottage between the host dwelling and the B4348 the annexe does have the potential to visually dominate the original building from this key public vantage point. However, by virtue of the proposed annexe's detachment, lower ground level, digging into the slope, modest scale, low height and simple, gabled profile, the original dwelling would retain its dominance from this perspective. Furthermore, the tall and dense roadside hedgerows significantly filter views of the existing site and the proposed building. Similarly from within the site and the other immediate vantage points of the U75402 and the unadopted road to the north of the site, the annexe's afore-described attributes serve to ensure that it would not be seen to be competing with Sefton Cottage for visual prominence in terms of siting, scale and massing.
- 6.12 The exposed thick timber posts would be appropriate for an outbuilding in this rural locality whilst the glazing panels serve to lighten the structure so as not to unduly erode the rather modest appearance of the main cottage. Resultantly the development would also be in keeping with the traditional rural vernacular of Sefton Cottage.
- 6.13 In terms of the impact of the proposal on the landscape character of the area, Vowchurch Common is comprised of open fields and woodland inconsistently interspersed with dwellings accessed immediately off the steep roads and bridleways which wind their way northwards. At some points dwellings are found in small clusters, at others they are very much remote from other residential development. Sefton Cottage is within a small group of 5 dwellings and their associated outbuildings – Sefton Cottage, Atholl Cottage, Evadine, Fairview and Hillside. Thus the proposed building's immediate visual environment is a built residential one, particularly when viewed from the B4348, and by virtue of its suitable design and the level of vegetative filtering on offer, the building would be appropriate for its context. In being 'dug-in' to the site's natural slope, the building would respect and work with the character of the landscape. The proposed building is therefore considered to be appropriate for the character of the area and it would not detrimentally impact on the appearance of the landscape as required by HUDP Policies DR1, LA2 and H18 and the NPPF at paragraphs 17 and chapter 7.
- 6.14 By virtue of its specified manner of occupation, the proposed outbuilding is considered to represent a building whose use would be ancillary to that of the Sefton Cottage. In this respect, the relevant policies of the HUDP are considered 'up-to-date' as per the guidance for decision taking laid out at paragraph 14 of the NPPF and as such the first bulleted instruction of that paragraph can be engaged and the application determined in accordance with the policies of the UDP. The resultant development would not unduly reduce parking, outdoor amenity space or the privacy and amenity of occupiers of neighbouring dwellings. The building's design would reflect its ancillary functioning to the main dwelling and as such would be subservient to the original building whilst the character of the existing dwelling and its context would be upheld. Therefore and as held against the requirements of HUDP Policies DR1, H7, H18 and LA2 it is recommended that the application be approved. A condition should be attached to any permission given requiring the functioning of the annexe to be ancillary to the use of the main dwellings to avoid the potential establishment of a new dwelling.
- 6.15 A number of concerns have been raised with regards the potential for similar development to be repeated elsewhere on Vowchurch Common. Members will, however, be aware that each case must be determined on its own merits. Other proposals for annexes on Vowchurch Common would be similarly appraised for their ancillary functioning and for their suitable design.
- 6.16 Alternatively, if in addressing the first issue highlighted at paragraph 6.2, Members find the proposed scheme to represent a separate dwelling rather than a building ancillary to Sefton

Cottage, a new planning unit would be created and a material change of use would occur. Subsequently, the presumption against providing a new residential planning unit in this location should prevail and the application should be refused by virtue of the site's remoteness from a serviced settlement, contrary to the requirements of the NPPF and the HUDP.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B02 Development in accordance with approved plans and materials**
- 3. F28 Occupation ancillary to existing dwelling only (granny annexes)**
- 4. I16 Restriction of hours during construction**

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

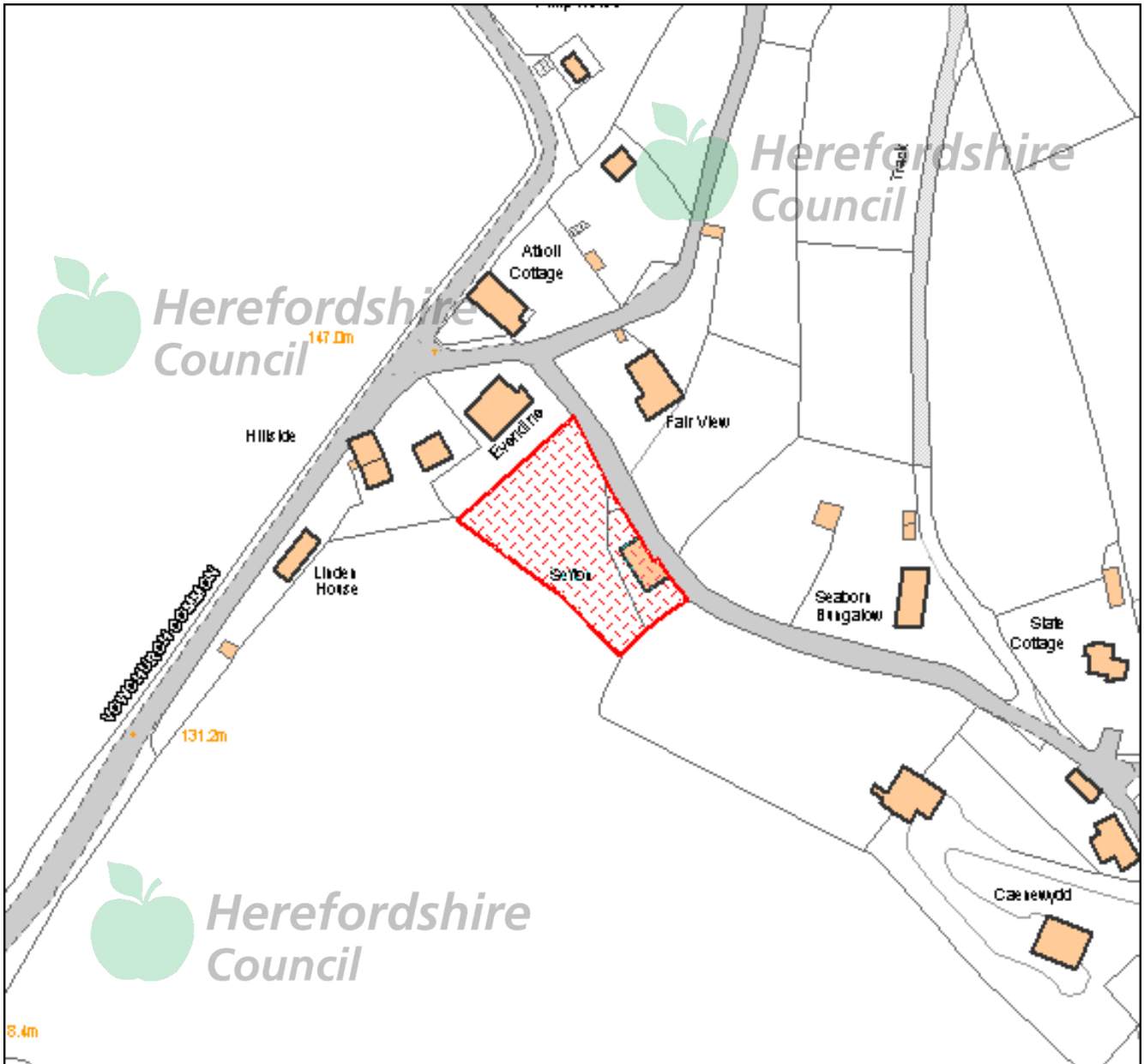
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 143820

SITE ADDRESS : SEFTON COTTAGE, VOWCHURCH, HEREFORD, HEREFORDSHIRE, HR2 0RL

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