

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	2 DECEMBER 2020
TITLE OF REPORT:	203159 - PROPOSED ERECTION OF A SINGLE-STOREY EXTENSION TO FORM ANNEXE ACCOMMODATION AT 41 POOL COTTAGES, LOWER LYDE, HEREFORD, HR1 3AQ For: Mr & Mrs Fishlock per Mr Ed Thomas, 13 Langland Drive, Hereford, Herefordshire, HR4 0QG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=203159&search-term=203159
Reason Application submitted to Committee – Council employee	

Date Received: 17 September 2020 Ward: Queenswood Grid Ref: 351569,244200
Expiry Date: 24 November 2020
 Local Member: Councillor Pauline Crockett

1. Site Description and Proposal

- 1.1 41 Pool Cottage is a two-storey detached dwelling with no environmental or historic designation, located in the parish of Pipe and Lyde. The cottage was formally a pair of cottages, now brought together as a single dwelling. The property is sited within a sizable plot with large gardens to the north, west and south and dense vegetation lining the property boundary to the north. The dwelling has two points of access both via a shared private track which adjoins the C1127, which leads to Holmer to the south and to the A49 to the west. The existing property is formed in stone on the north facing front elevation and a mixture of stone and red brick on the south facing rear elevation including concrete block walls to both lean-tos at each end of the existing cottage. The existing doors and windows are double glazed uPVC have been replaced recently during the refurbishment of the cottage.

1.2



Figure 1



Figure 2



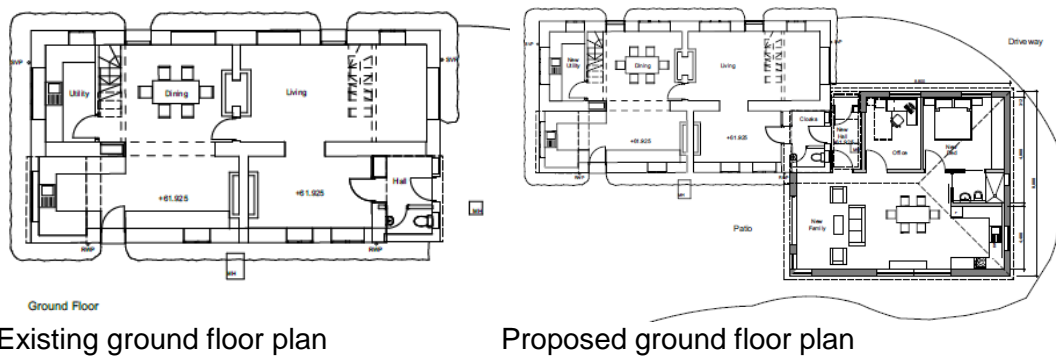
Figure 3



Figure 4

Figure 1 shows the rear garden and side elevation (west facing) of the property which is where the extension is proposed. Figure 2 shows the view to the north when stood in place of the proposed extension. Figure 3 shows the front garden of the property and dense vegetation on the boundary. Figure 4 shows the private access road to the front of the elevation, demonstrating the vegetation at each boundary.

- 1.3 The proposed development is the construction of a single-storey extension to the south-east corner of the dwelling. The extension is to be used as an annex for the applicant's elderly mother. The extension includes the provision of a new bedroom, bathroom, home office, kitchen and dining areas.
- 1.4 The proposed extension has a height to ridge of 4.9 metres, width of 8.8 metres (from the front elevation) and 10.8 metres (from the rear elevation) and depth of 9 metres. Additionally, the proposed extension is set back from the host dwelling by 3.5 metres (approximately). The extension is to be constructed of stone on the front and side elevation, north and east facing. The rear and west facing side elevation is to be constructed of red brick, to match that of the rear of the host dwelling. The roof will be pitched with slate tiles to match the host dwelling and all new windows and doors will be double glazed uPVC. The proposal also introduces 30nos. solar photovoltaic panels to be distributed between the south facing (rear) roof of the extension and the existing garage roof. The proposed extension will be connected to the existing 12 person package treatment plant with new soakaway. The existing parking, access and amenity space remain unaltered by the proposal.



Existing ground floor plan

Proposed ground floor plan



Existing elevations

Proposed elevations

2. Policies

2.1 Herefordshire Local Plan – Core Strategy

- SS1 – Presumption in favour of sustainable development
- SD1 – Sustainable design and energy efficiency
- LD1 – Landscape and townscape

2.2 Pipe and Lyde does not currently have a Neighbourhood Development Plan

2.3 National Planning Policy Framework (NPPF) – February 2019

Chapters:

- 2 – Achieving sustainable development
- 4 – Decision-making
- 12 – Achieving well-designed places

2.4 The Core Strategy 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/info/200185/local_plan/137/adopted_core_strategy

The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy has been made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

3. Planning History

- 3.1 **DCH932058/F** – Construction of garage and store & re-siting of vehicular access [approved 1994]

4. Consultation Summary

Internal Council Consultations

- 4.1 None required

5. Representations

- 5.1 Pipe and Lyde Parish Council met to discuss the application and there were no objections. The PC did comment that it was a 'large extension and that they hoped it would keep in character with the existing building'.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=203159&search-term=203159

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

Policy context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 The Herefordshire Core Strategy does not have a specific policy in relation to the provision of residential annexes. However, it is a generally accepted planning principle that in order to meet the definition of ancillary accommodation, an annexe must be subordinate to the main dwelling and its function supplementary to the main use of the existing residence. The most relevant CS policy in this regards would be SD1, which amongst other things requires that development proposals should respect surrounding development and uses whilst safeguarding good standards of amenity for both existing and proposed residents. Policy LD1 requires that the character of the landscape/townscape has positively influenced the design and scale of development, amongst other matters. These policies accord with the principles as set out within the NPPF with regards to good design and ensuring a high standard of amenity for existing and future occupiers.

- 6.4 The provision of an annex to the property in principle is acceptable, however one must be very clear on the definition of an annexe. Case law is useful in providing clarity on what is to be considered as an annexe, Planning Inspectorate (“PINS”) case (APP/R5510/X/18/3206551, dated 8th January 2019) is outlined below.
- 6.5 It is commonly held that the term “incidental to the enjoyment of the dwellinghouse” implies that the intended use should be subordinate to the main residential use of the property. Primary accommodation such as bedrooms, kitchens or living rooms are generally regarded as forming part and parcel of a dwelling’s normal facilities as opposed to being “incidental” to the enjoyment of the dwellinghouse in the way that a garage or summerhouse would be for example. In this case, the proposal would involve the creation of an additional bedroom, an office, a living area, a kitchen and a bathroom. That would amount to additional primary accommodation that could not be described as incidental to the enjoyment of the existing dwellinghouse. However, even though the use may not be “incidental” it does not automatically follow that a material change of use would occur if those facilities were provided. The use of the land would still be residential and the key question to be considered is whether the creation of the annexe would result in the formation of a separate dwellinghouse and a new planning unit. Under section 55(3)(a) of the Act the use as two or more separate dwelling houses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part of it which is so used. Thus, where a house is divided into two or more houses it is likely that separate planning units will be created. Similarly, if an outbuilding within the curtilage of a dwellinghouse was provided with all the facilities required for day to day living, including its own services, garden space and entrance door and subsequently occupied in a manner that was unconnected with the dwellinghouse it is likely that a separate planning unit would be created and planning permission would be required for the material change of use involved in the formation of a new dwellinghouse.
- 6.6 Moreover, in the *Uttlesford District Council v Secretary of State for the Environment & White* [1991] 2 PLR 76 judgement it was held that there is no reason in law why the provision of an annexe for an elderly relative containing all of the facilities for day to day living would automatically become a separate planning unit. The elderly relative was provided with her own bedroom, bathroom, a lavatory, small kitchen, somewhere to sit, and her own front door. The overall impression is of a modestly sized annexe containing all of the facilities required for independent living, albeit of a small scale, but an elderly relative who was still reliant upon support and facilities in the main house, notwithstanding the facilities that were available within the annexe.
- 6.7 In the present case, the annexe would be occupied by the mother of the current owners of 41 Pool Cottage who is elderly. The site would remain in the ownership of the applicant and would not be split as separate titles, or let to tenants. In terms of layout, the annexe is attached to the host dwelling, the access would serve both the house and the annexe and there would be no demarcation to separate the annexe from the house in terms of garden space or parking areas. The existing garden and hardstanding would be unaltered. There would be no separate postal address and water, gas and electricity would be provided from the main house with no separate billing. All of those factors would indicate that there is no intention to create a separate unit of occupation. The floor space dedicated to residential use within the annexe is also not unduly large in comparison to the associated dwelling. The occupation of the annexe can be restricted to ancillary uses only through the use of planning condition.
- 6.8 The single-storey annexe will have a maximum height of 4.88 metres, sitting below the roofline of the host dwelling at 6.36 metres, and is set back from the principal façade of the host dwelling ensuring the annexe is read as a subservient addition to the host dwelling. The proposal would project from and wrap around the south east corner of the dwelling, which is currently occupied by garden space. It is not considered that the proposal would result in built development that would be of an unacceptable scale or constitute over development with the size of the extension being considered to be acceptable in terms of mass and height, and therefore in accordance with Policy SD1 of the CS.

- 6.9 The materials proposed in the construction of the annexe reflect and complement that of the host dwelling. In addition, in the amended plans, drawing number 22LL-05 revision A, the windows proposed are proportional to those in the host dwelling, again reflecting and complementing the host dwelling. It is not considered that the proposal departs from the character of the host dwelling or surrounding area by virtue of its scale and design. The visual impact of the proposal is minimal due to the appropriate scale, location to the rear corner of the dwelling, vegetation and topography. Therefore, the proposed extension is considered to suitably conserve local character and the character of the host dwelling in line with policies SD1 and LD1 of the CS.
- 6.10 The annexe extension would introduce a number of openings which would maintain similar scale and positioning to the host dwelling. The two windows on the front elevation are proportional to the windows seen centrally on the host dwelling and are found in line with the windows at the ground floor. The proposal introduces a number of other window openings which are found to the side and rear elevations. The property is located in a sizable plot, largely bounded by trees and hedgerows. As such, the proposal would not detrimentally increase impact upon residential amenity with sufficient distance and visual barriers to alleviate concerns for overlooking, overshadowing and overbearing. Given the proposed use of the development, there is not considered to be a significant intensification of the site with minimal movements to and from the site, therefore there are no concerns with regards to increased noise nuisance. The scheme is considered to adhere to the requirements of SD1 of the CS.
- 6.11 The proposals also include the introduction of 30nos. solar photovoltaic panels to be distributed between the south facing (rear) roof of the extension and the existing garage roof. This represents a positive step towards improvement of the sustainability credentials of the existing property and demonstrates a positive response to SD1 of the CS.
- 6.12 The site continues to offer adequate turning space for vehicles using the garage within the curtilage of the property. The proposed use would not create detrimental intensification of the site given the personal use and scale of the accommodation. This development will therefore result in minimal impact on traffic management on the local network, thus complying with MT1.
- 6.13 In summary, the proposal has been designed to preserve the character of the host dwelling and surrounding area. The visual impact of the proposal is limited due to the scale of the proposal, location of the extension to the rear corner of the property, and substantial distancing to neighbouring properties and vegetation. It is not considered that the proposal will have an undue impact upon the amenity of neighbouring residents with no concerns for overlooking or overshadowing, given the distancing and boundary treatments. Any other issues have been suitably covered, and it is therefore my recommendation to grant planning permission subject to the below conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

1. C01 - Time limit for commencement (full permission)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. C07 - Development in accordance with approved plans and materials

The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 22LL-01 revision A; 22LL-02; 22LL-03 revision A; 22LL-04; 22LL-05 revision A; the design and access statement; the application form and the document titled “Brick for South & West elevations” dated 10 November) and the schedule of materials indicated thereon.

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. C14 - Matching external materials (extension)

The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4. C79 - Occupation ancillary to existing dwelling only (granny annexes)

The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 41 Pool Cottages.

Reason: It would be contrary to Policy SD1 of the Herefordshire Local Plan – Core Strategy to grant planning permission for a separate dwelling in this location.

INFORMATIVES:

1. IP1 – Application Approved Without Amendment

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.

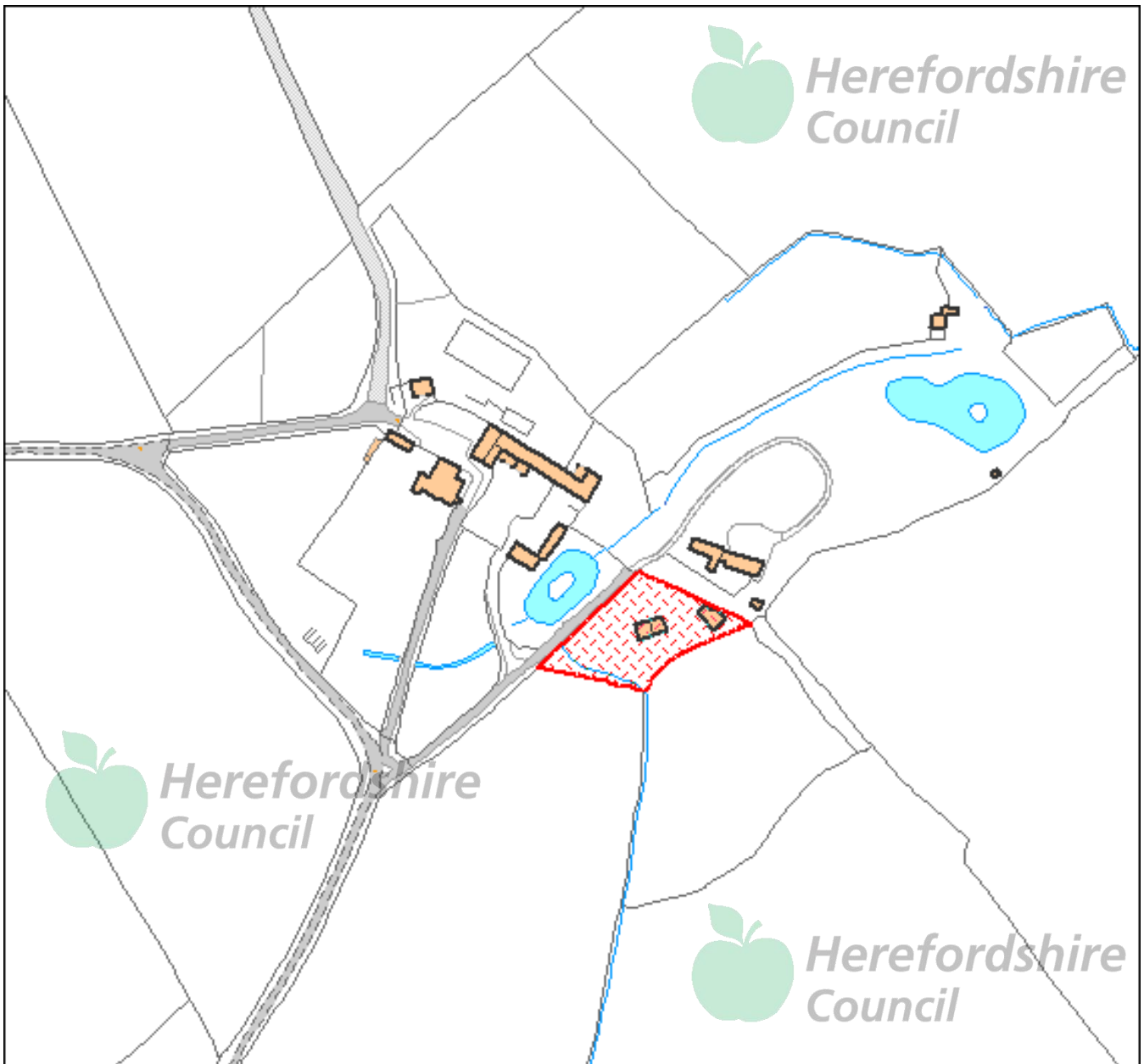
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 203159

SITE ADDRESS : 41 POOL COTTAGES, LOWER LYDE, HEREFORD, HEREFORDSHIRE, HR1 3AQ

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