

**16 DCSE2004/4047/F - EXTENSION TO GARAGE TO FORM STUDIO APARTMENT FOR ADDITIONAL LIVING ACCOMMODATION AT THE OLD GRANARY, LEA, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7JZ****For: Mr. & Mrs. G. Woodyatt per Mr. D.R. Davies, 23 Charlton Rise, Ludlow, Shropshire SY8 1ND****Date Received: 23rd November 2004    Ward: Penyard    Grid Ref: 66269, 21790****Expiry Date: 18th January 2005**

Local Member:    Councillor H. Bramer

**1. Site Description and Proposal**

- 1.1 This site is situated within the designated village boundary of Lea which is designated as a 'larger village' in the Local Plan. The site constitutes the applicants' dwelling and garden. There is an existing double garage within the garden area with a red clay tile roof and grey roughcast render on the walls. The site is surrounded by other dwellings.
- 1.2 The proposal is to enlarge the double garage, by extending onto the rear and raising the roof by 1 metre, in order to create additional living accommodation in the form of an annexe to the house. The annexe will be used by the applicants' son, his partner and their 12 month old baby. The garage itself will continue to be used as a garage. The enlarged garage will be externally clad in materials to match the existing garage.

**2. Policies****2.1 Planning Policy Guidance**

- PPS.1            -        Delivering Sustainable Development  
PPS.7            -        Sustainable Development in Rural Areas

**2.2 Hereford and Worcester County Structure Plan**

- Policy H16A    -        Development Criteria  
Policy H18     -        Housing in Rural Areas  
Policy CTC9    -        Development Criteria

**2.3 South Herefordshire District Local Plan**

- Policy GD1     -        General Development Criteria  
Policy SH23    -        Extensions to Dwellings  
Policy SH6     -        Housing Development in Larger Villages  
Policy T3       -        Highway Safety Requirements

**3. Planning History**

- 3.1 No relevant history.

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 The Highways Agency has no objections.

##### Internal Council Advice

4.2 The Conservation Manager has no objections from an architectural point of view.

4.3 The Traffic Manager recommends that any permission includes a condition requiring parking/turning for 3 cars within the site.

#### **5. Representations**

5.1 The Agent submits the following:

The proposal is to extend existing garage to provide additional living accommodation which is to be used solely by the family. The accommodation is to be used by the applicants elder son, his partner and 12-month old baby. No objection to a condition restricting the sale of the accommodation as a separate unit from the main house.

5.2 The Parish Council has not responded.

5.3 A letter of objection has been received from Mrs M I Usher, 2 Millbrook Gardens, Lea, Herefordshire HR9 7LA. The main points being:

- Outlook from objectors dwelling is in direction of proposed development which would fill the ground between the existing garage and common boundary. The resulting impact of the proposed extension on both the sunlight falling on garden and views from living rooms and bedrooms would be detrimental to objectors wellbeing and value of property.
- The proposal is more like a dormer bungalow than a studio apartment.
- Future owners may let building as holiday accommodation or sell it as an independant property.
- The objector believes that the land in question may be the subject of a legal restriction preventing the erection of any new buildings.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

#### **6. Officers Appraisal**

6.1 The main issues relate to the visual appearance, size and scale of the proposed development, its effect on the visual amenities and character of the area and the residential amenities of neighbouring dwellings. In addition the principle of the proposed development in this setting/situation. The most relevant policies are GD1 and SH23 of the Local Plan.

6.2 The proposed resultant extended building is considered to be acceptable in terms of its size, scale and design and will not be out of keeping with the character of the area. It is also considered that the proposal will not adversely affect the residential amenities of any of the neighbouring dwellings. There is a window at first floor level which faces

towards the neighbour's property but this will be a bathroom window. A condition could be imposed on any permission to ensure that this window is obscure glazed.

- 6.3 The proposed accommodation will form an annexe to the main dwelling and be ancillary to its use. In this situation the proposed development is considered to be acceptable and can be conditioned accordingly i.e. accommodation ancillary to main dwelling. There is already parking space within the site for at least three cars or more.
- 6.4 The objector refers to a possible legal restriction on the land in question. However this is not a material planning consideration and has no bearing on this planning application.
- 6.5 The proposed development is therefore considered to be acceptable and in accordance with planning policies.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

**1 A01 (Time limit for commencement (full permission))**

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

**2 A07 (Development in accordance with approved plans)**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

**3 E29 (Occupation ancillary to existing dwelling only (granny annexes))**

**Reason: To define the terms to which this planning permission relates.**

**4 The existing garage section of the resultant extended building shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the main dwellinghouse as such unless otherwise first agreed in writing by the Local Planning Authority.**

**Reason: To define the terms to which this planning permission relates.**

**5 The window serving the bathroom at first floor level on the north elevation of the development shall have obscure glazing and at all times thereafter, unless otherwise first agreed in writing by the Local Planning Authority.**

**Reason: To ensure that there is no adverse overlooking of the adjacent dwelling.**

### **Informatives:**

**1 N03 - Adjoining property rights**

**2 N14 - Party Wall Act 1996**

**3 The applicants should be aware that this planning permission does not override any civil/legal rights enjoyed by adjacent property owners nor any legal covenants etc which may relate to the land in question.**

**4 N15 - Reason(s) for the Grant of Planning Permission.**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.