

**4/01060/12/FHA - SINGLE STOREY DETACHED OUTBUILDING FOR USE AS AN ANNEX.  
5 THE GREEN, POTTEN END, BERKHAMSTED, HP4 2QH.  
APPLICANT: MR AND MRS D HEWSON.**

[Case Officer - Joan Reid]

[Grid Ref - TL 01783 08861]

### **Summary**

The application is recommended for approval. The application site is located within the small village of Potten End wherein extensions to properties are acceptable in accordance with policy 6 of the DBLP. There would be no adverse effects on the appearance of the street scene and to the character of the parent dwelling. The amenity of adjoining neighbours would not be adversely affected in terms of loss of sunlight, daylight or privacy. Car parking locally to serve the site is adequate and provision will be made to ensure that important landscaping is not lost. Any doubt of the proposed use of the building has been removed with the submission of a unilateral undertaking. The details of this scheme accord with the development principles for this area and planning guidelines. The proposal therefore accords with Policies 6 and 11 and Appendices 5 and 7 of the Borough Plan and policies CS6, CS11, CS12, CS24 and CS29 of the Pre-submission Core Strategy and the NPPF.

### **Site Description**

The application site falls within the village boundary of Potten End to the east of the village green. The site comprises a large linear garden together with a large two storey semi-detached dwelling, which has been extended in recent years. The rear garden comprises some mature apple trees and extends to approximately 45m from the rear of the dwelling. The garden backs on to Kiln Close and a number of commercial properties. The garden is well screened by mature trees and fencing.

### **Proposal**

The applications seeks planning permission for a granny annexe to the rear of the dwelling. The annexe comprises one bedroom, kitchen, living/dining room, study, hallway and bathroom. The building is located to the rear of the garden and extends to an overall floorspace of approximately 85sq.m (approximately 8.5m X 10m). The annexe has a plain tiled roof in interlocking tiles and to be constructed in facing brickwork. The building is to allow for ancillary accommodation for the parents of the occupier of no.5 The Green. The applicant requires accommodation for his parents in close proximity to enable them to have 24 hour care and assistance.

### **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Potten End Parish Council.

### **Planning History**

- 4/01874/11/FHA ANNEXE (AMENDED SCHEME)  
Refused  
08/12/2011
- 4/00636/11/FHA ANNEXE  
Refused  
24/06/2011
- 4/00123/11/LDP ANNEXE  
Refused

23/03/2011

- 4/01535/98/4 SINGLE AND TWO STOREY FRONT, SIDE AND REAR EXTENSIONS  
(REVISED)  
Granted  
15/10/1998
- 4/01651/96/4 SINGLE STOREY FRONT/SIDE AND REAR EXTENSION AND TWO  
STOREY FRONT AND SIDE EXTENSION  
Granted  
20/03/1997

## **Policies**

### National Policy Guidance

National Planning Policy Guidance

### Dacorum Borough Local Plan

Policies 1, 6, 11, 13 and 58  
Appendices 1, 3, 5 and 7.

## **Representations**

### Potten End Council

Objection - Whilst, it is accepted that granny annexes can be treated as extensions to the parent dwelling and therefore falls within the remit of policy 6 of the local plan, it is also considered that the proposed annexe is a substantial building which could be acceptable of being a self-contained flat. The proposed annexe is of a substantial size and contains all the essential facilities of a separate dwelling including a separate kitchen and bathroom. It is therefore considered that the annexe is not reliant on the parent dwelling with the exception of the access. The proposal is located within the village boundary wherein the principal of a new dwelling may be acceptable subject to local need, however the proposed development, if considered as a new dwelling would be out of character with the existing area. It is worthy to note, that should the application be considered as a separate dwelling, the proposal does not allow for access, parking, sustainability measures and private amenity space.

### Conservation and Design

Number five The Green Potten End is within Green Belt, with the boundary of Potten End Conservation Area bordering the front boundary of the dwelling house curtilage.

The scheme is for an 'annex' situated at the end of a fairly substantial rear garden. This is the third such scheme to be submitted.

NPPF point 63 states: In determining applications great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

NPPF point 64 states: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

DBLP 11 Quality of Development: a high standard is expected in all development proposals. Development will not be permitted unless it is appropriate in terms of: layout; site coverage;

design; scale; bulk; height; materials and landscaping. On the site itself, in relation to adjoining property and in the context of longer views: it respects the townscape, density and general character of the area in which it is set; it avoids harm to the surrounding neighbourhood and adjoining properties through, for example, visual intrusion; it retains, does not adversely affect and where appropriate enhances important landscape, natural, ecological, historical or architectural features.

The building which has the appearance of a small dwelling house has no visible context to the main dwelling, and seems overlarge - the dimension exceeds that of the original main dwelling footprint. Our Raster Map dated 1924 – 1926 clearly gives a context for the principle dwellinghouse. This building lacks the refined quiet elegance of the principle building and has no design finesse and is therefore considered inappropriate in terms of site coverage, design, scale, and bulk. No details of materials and landscaping have been supplied so I am unable to comment on these aspects.

It is considered that any building within its setting should have regard to the parent buildings local distinctiveness, which should be applied to the overall design and detailing.

If acceptable in principle planning terms there may be an acceptable scheme that can be worked forward. However this scheme is considered to fail on the above policies and is therefore recommended for refusal.

#### Hertfordshire Biological Records Centre

I have no information which suggests there will be any ecological constraints on the proposals. However I note from aerial photos there are trees and shrubs in the garden, some of which may need to be removed. I advise that these should not be removed within the bird nesting season, or at least not without an adequate check for nests prior to removal. The trees along the rear boundary are a locally valuable ecological resource in the context of the village environment, and should be retained if the proposals are approved.

### **Considerations**

#### Policy and Principle

The NPPF promotes good design and advises that local planning policies and decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

DBLP 6 of the Dacorum Borough Local Plan accords with the advice of the NPPF and indicates that within the village of Potten End, house extensions will be permitted as long as the development will be sympathetic to its surroundings (which includes the adjoining countryside) in terms of local character, design, scale, landscaping and visual impact; and no feature essential to the character and appearance of the village will be adversely affected. For the purposes of interpreting Policies 6 and 11 of the local plan, outbuildings should be considered as

extensions to the living accommodation of residential properties. These often benefit from permitted development rights subject to site specifics and its design.

DBLP 11 Quality of Development states that a high standard is expected in all development proposals. Development will not be permitted unless it is appropriate in terms of: layout; site coverage; design; scale; bulk; height; materials and landscaping. On the site itself, in relation to adjoining property and in the context of longer views: it respects the townscape, density and general character of the area in which it is set; it avoids harm to the surrounding neighbourhood and adjoining properties through, for example, visual intrusion; it retains, does not adversely affect and where appropriate enhances important landscape, natural, ecological,

historical or architectural features.

Appendix 7 of the local plan should also be considered as it sets out good design practice for small-scale extensions. Appendix 7 indicates that extensions should harmonise with the original design and character of the house in terms of scale, roof form, window design and external finishes. A reasonable private garden/amenity space should remain following the construction of the extension, and it should not bring the house unduly close to a wall of an adjoining dwelling. In terms of the surrounding area, any extension should maintain the common design characteristics of the row or street within which a house is located, with particular regard to roof line and building pattern, design details. In terms of side extensions, Appendix 7 states that strict requirements will apply to prominent side extensions, but mainly to those parts that are clearly visible from the street. As side extensions can often upset the balance of the front elevation of the house, they often need to be set back from the front wall and a gap should be left between buildings and/or side boundaries.

Policy CS12 of the Pre-submission Core Strategy requires development to provide safe and satisfactory means of access and sufficient parking. Development should also avoid visual intrusion, loss of sunlight and daylight, loss of privacy and disturbance to the surrounding properties. Retention and enhancement of trees and will be expected and all development should respect adjoining properties in terms of; layout, security, site coverage, scale, height, bulk, materials and landscaping and amenity space.

#### Effects on appearance of building

The proposed extension is considered to be of a large scale however the design has been amended to soften the appearance of the building and it now appears as a more sympathetic, non-descript building which has a simple design with a pitched roof form and facing brickwork. The outbuilding despite its size, is now considered to appear more sympathetic to the parent property and the simple design is more akin to a domestic outbuilding, unlike the earlier schemes submitted.

#### Impact on Street Scene and character of the area

The application sites falls just outside the conservation area. It is considered that the proposed outbuilding would have limited impact on the character of the streetscene. The outbuilding is positioned to the rear of no.5 and would not be visible from the green or indeed from the conservation area. The building is limited in height and would appear as a domestic outbuilding similar to what could be constructed under permitted development. The outbuilding would also be hidden from views along Chestnut Close behind the existing commercial buildings. The building is positioned to the rear of a large garden and although large in size, would not appear over large in the context of the surrounding site.

#### Impact on Trees and Landscaping

The proposed outbuilding would result in the felling of some apple trees within the rear garden, however these are not protected and retention of these trees could not be sustained. The ecological officer has been consulted and raised no objection however has indicated that the applicant should not disturb the trees during the nesting period.

#### Impact on Neighbours

It is considered that there would not be a detrimental impact on the amenities of the neighbouring properties. The proposed granny annexe has a maximum height of 4m, with a maximum eaves height of 2.5m and therefore would not appear overbearing to any of the neighbouring properties along the Green. There are a number of residential properties located to north east of the proposal and no. 9 Kiln Close has a rear garden which backs onto the rear

garden of no.5. It is considered however the proposed annexe is limited in height and well shaded from the neighbouring properties by the mature trees. There are three windows positioned to the rear elevation of the annexe however views from these windows into the neighbouring properties are limited due to their height at ground floor level and due to the significant screening between the properties. There is also a buffer of 3.7m between the rear elevation of the outbuilding and the site boundary, therefore allowing sufficient space to retain the existing trees and to ensure that there would be no loss of sunlight or daylight to the neighbouring properties. A condition has been imposed requesting a plan showing trees to be retained and protected during construction.

### Parking

The outbuilding is treated as an extension to existing property. Parking for 4 vehicles is currently available within the curtilage of the property. It is considered sufficient parking is therefore available for the existing dwelling and proposed one bedroomed annex.

### Other Material Planning Considerations

There has been some concern from the LPA and the Parish Council that the proposed annexe due to its size and facilities contained within could be self-contained and therefore constitute a new dwelling. However, there is no exact definition of a Granny annexe and each case should be looked at on its own merits. A building of this size, height, design and siting would not require planning permission as long as its use is incidental to the parent property however because the building can be inhabited it requires planning permission. It is noted that the building has been redesigned to appear more subservient to the parent property. Although the annexe contains a separate living area, kitchen and bathroom to those in the parent property other factors need to be considered to assess whether the outbuilding is ancillary to the parent property or a separate planning unit.

1. There is no separate vehicular access proposed to the outbuilding, and an access could not be accommodated from the Green or from Chestnut Close and at present. Therefore, the occupier of the annexe will only have pedestrian access to the outbuilding from the side access or through the parent property;
2. There is no separate amenity space for the outbuilding and the garden area of no.5 will be shared with the occupiers of the annexe.
3. A unilateral undertaking has been submitted with the application setting out the following owners covenant restrictions:

Occupier is defined as George and Rita Kent (Parents of applicant);

The legal undertaking requires the following:

- all kitchen units and associated facilities and the bathroom units be removed from the annexe on vacation of the occupier or the survivor for them should one predecease the other, but a WC, shower, and wash basin be retained for future use in conjunction with a gym/studio
- That a plan be submitted to the Council within 1 month of the vacation of the annexe by the Occupier, which would show the proposed layout and uses of each room of the annexe, and this plan be approved by the Council for its approval before any of those ancillary and incidental uses are commenced.
- that from the date of vacation of the annex by the Occupier the outbuilding would only be used for purposes ancillary and incidental to the use and enjoyment of the main dwelling

house, in accordance with the requirements of Part 1, Class E of the TCP (General Permitted Development) Order 1995, as amended in October 2008 including but not limited to Art, or golf practice studio and gymnasium area, with ancillary WC/ Shower room and washbasin/ a summer house room/ home office.

With the aid of legal undertaking, there is more assurance that the annexe is not intended to be occupied as a self-contained dwelling and once the intended occupiers of the unit move out, the building will remain in uses that are ancillary to the parent property.

**RECOMMENDATION** - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

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

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development.

- 3 No development shall take place until a plan showing trees to be retained and measures for their protection during construction works; shall have been submitted to and approved in writing by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the amenities of the neighbouring properties.

**NOTE 1:**

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The site is located in an area where domestic extensions are acceptable in principle in accordance with Policy 6 of the Borough Plan. There would be no adverse effects on the appearance of the building or the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking immediately adjacent to the site is adequate. The proposals therefore accord with Policy 11 of the Borough Plan and Policies CS6, CS11, CS12, CS24 and CS29 of the Pre-Submission Core Strategy.

**NOTE 2:**

The following policies of the development plan are relevant to this decision:

**Dacorum Borough Local Plan 1991 - 2011**

Policies 6, 9, 10, 11, 13 and 58  
Appendices 5 and 7

**Pre-Submission Core Strategy**

Policies CS6, CS11, CS12, CS24 and CS29

**Supplementary Planning Guidance**

Development in Residential Areas

- 4 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

**222**

**220 b**

Reason: For the avoidance of doubt and in the interests of proper planning.