

23 Station Road Wendens Ambo

Development Control, item 6

Committee: Development Control

Agenda Item

Date: 25 April 2007

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Title: Planning Application ref: UTT/1608/06/FUL:
Erection of two-storey rear extension, front porch and front dormer window. Conversion of detached garage to residential annexe
23 Station Road Wendens Ambo

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Item for decision

Summary

- 1 This item seeks Members authorisation to refuse the above planning application, as the applicant has failed to enter into the required Section 106 agreement following the resolution to grant planning permission.

Recommendations

- 2 That application UTT/1608/06/FUL be refused for the following reasons:

The applicant has failed to complete a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to ensure that the garage and the house shall remain in the same ownership and that the converted garage at a later date can not be used as an additional dwelling. In the absence of such an Agreement, the proposal would create the potential for separate use as a dwelling house, but without the necessary amenity space and parking. The use as a separate dwelling without these facilities, and in this position, could give rise to unacceptable nuisance and loss of amenity to adjacent properties.

- 3 Furthermore, use as a separate dwelling would be out of keeping with the general pattern of development in the vicinity. The proposal would be contrary to ERSP Policy BE1 and ULP Policy GEN2.

Background Papers

- 4 Planning application file UTT/1608/06/FUL, including the report to the Development Control Committee meeting on 13 December 2006.

Impact

Communication/Consultation	Public consultation was undertaken on the original planning application UTT/1608/06/FUL.
Community Safety	None. The failure to convert the garage poses no risks to the community.
Equalities	Not applicable
Finance	None

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Human Rights	None
Legal implications	None
Ward-specific impacts	Wendens Ambo
Workforce/Workplace	None

Situation

- 5 At the Development Control Committee meeting on 13 December 2006, Members resolved to grant planning permission for the erection of two storey rear extension, front porch and front dormer window. Conversion of detached garage to residential annexe. The resolution was subject to conditions and a Section 106 legal agreement to ensure that the garage and the house shall remain in the same ownership and that the converted garage at a later date can not be used as an additional dwelling.
- 6 Following the resolution, the applicant's agent has contacted the Council stating that the applicant would like to withdraw the element of the application relating to the conversion of the garage to an annexe and intend putting in a fresh application with this element withdrawn.
- 7 As such the Section 106 remains unsigned.
- 8 In the absence of the applicant entering into a legal agreement the application should now be refused for the reasons outlined in the recommendation above.
- 9 A copy of the original report to the Development Control Committee is attached.

Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
That the garage is converted without the agreement	low	Medium	If a planning application is not forthcoming, enforcement action may be necessary as it is understood that the rear extension has already commenced.
That the applicant appeals the refusal of planning permission	low	Low	This would be a defensible Case at appeal.