

## UTT/1013/11/FUL – CHRISHALL

**PROPOSAL:** Proposed Conversion of existing garage and workshop to residential annex

**LOCATION:** Green Den Broad Green CHRISHALL

**APPLICANT:** Mrs Jasmyn Weatherston

**AGENT:** Hibbs and Walsh Associates

**GRID REFERENCE:** TL 441-393

**EXPIRY DATE:** 28 July 2011

**CASE OFFICER:** Planning Consultant

### **1.0 NOTATION**

1.1 Beyond settlement limits; within grounds of Listed Building

### **2.0 DESCRIPTION OF SITE**

2.1 The application site comprises a detached wood clad, pantiled, double garage and store situated in the grounds and to the north of Green Den, a thatched, Grade II Listed Building. The nearest property Sawkins Cottage also a Grade II Listed Building lies to the north and is separated by an extensive garden and boundary vegetation. Access to a paved area in front of the garage is from a narrow country lane. The site is on broadly level ground with neighbouring properties.

### **3.0 PROPOSAL**

3.1 The application seeks planning permission for a change of use of existing double garage and workshop with associated alterations to the building to convert the building to provide accommodation for an elderly dependent relative. Changes to the building would include a front gable to provide entrance lobby and WC, a side bay window facing Green Den and a rear gable projection with end conservatory. The construction works, and internal alterations for disabled access would meet with Lifetime Home standards. Externally black painted feather edged boarding, painted softwood windows and clay tiles would match existing materials. The use of the annex by an elderly relative is unlikely to significantly increase vehicle movements.

3.2 The applicants have offered a Section 106 agreement preventing the annex from being sold separately.

### **4.0 APPLICANTS CASE**

4.1 A Design & Access Statement together with a Bat Survey has been submitted as part of the application.

### **5.0 RELEVANT SITE HISTORY**

5.1 UTT/1113/93 – erection of double garage with workshop - APPROVED - 07/12/93

5.2 UTT/1472/98 – front extension to garage - APPROVED - 14/01/98

### **6.0 POLICIES**

#### **6.1 National Policies**

**6.2 East of England Plan 2006**

None relevant

**6.3 Essex Replacement Structure Plan 2001**

None relevant.

**6.4 Uttlesford District Local Plan 2005**

Policy S7 - Countryside

Policy H6 – Conversion of Rural Buildings to Residential Use

Policy H8 – Homes Extensions

Policy GEN2 – Design

Policy GEN8 – Vehicle Parking Standards

Policy ENV2 – Development Affecting Listed Buildings

Supplementary Planning Document: ' Parking Standards: Design and Good Practice Guide' (September 2009)

Supplementary Planning Document: Home Extensions

**7.0 PARISH COUNCIL COMMENTS**

7.1 None

**8.0 CONSULTATIONS**

8.1 Anglian Water: None received. Expired 30 June 2011.

8.2 Veolia Water: None received. Expired 30 June 2011.

8.3 UDC Conservation Officer: None received: Expired 11 July 2011.

8.4 UDC Project Officer - No objection.

8.5 UDC Drainage Officer - No Comments

8.6 UDC Building Control - Building Control indicate to B5 access is satisfactory

**9.0 REPRESENTATIONS**

9.1 This application has been advertised and no representations have been received. Notification period expired 07/07/2011.

**10.0 APPRAISAL**

10.1 The issues to consider in the determination of the application are:

- A Countryside protection
- B Design/setting of Listed Building
- C Neighbour's amenity
- D Other material considerations

10.2 With regard to countryside protection, the main consideration is whether the bulk and design of the extension would protect or enhance the particular character of the part of the

countryside in which the dwelling is sited. The modest front and rear extensions would have a neutral effect on the countryside.

#### B Design/setting of listed building

10.3 With regard to the design and appearance of this extension, and the impact upon the existing listed building and its setting, both the adopted local plan policies and the Supplementary Planning Document 'Home Extensions' indicate that development should respect the appearance of the existing dwelling. Development should also have regard to the street scene that exists and be in keeping with the scale, character and surroundings of the setting of a Listed Building.

10.4 Planning permission is not required to convert a garage in a residential curtilage to an annexe provided both it and the existing dwelling remain within the same planning unit.

10.5 Using sensitive material finishes the proposed external changes would be of a high design standard and subservient, thereby, compatible with the scale, form, layout, character and appearance of the original outbuilding. The development would, therefore, have no significant impact within the established street scene and settings to the adjacent and neighbouring listed buildings.

#### C Neighbours amenity

10.6 With regards to impact on existing residential amenity, the outbuilding is situated some 50m from Sawkins Cottage and only an angled bay to the conservatory and one small obscure glazed window to the WC is proposed with a northern viewpoint. No other neighbouring properties would be affected. It is, therefore, considered that the proposed development would not have an excessive impact on existing neighbouring amenity by way of significant overlooking or overshadowing nor would it have an overbearing effect on neighbouring properties.

10.7 Although closer to Green Den it is considered that the proposed development would not have a significant impact on the setting of the Listed Building owing to distance and its siting to the side of the dwelling.

#### D Other material considerations

10.8 Despite the degree of independent living that would be provided as accommodation for a single dependent person to be accepted as an annexe, this must be envisaged by appropriate conditions to restrict the building's use. This would require a legal mechanism enabled by a Section 106 Legal Agreement to prevent severance from the planning unit and occupation of the converted outbuilding separately from the main dwellinghouse. It is therefore, considered that to avoid the formation of a separate independent residential unit can best be achieved by:-

1. appropriate conditions to restrict the use to a person who would be dependent on the occupiers of the main property for their everyday needs

and

2. a Section 106 legal agreement to prevent the sale or occupation of the outbuilding separately from the main house.

10.8 A bat survey was unable to find any evidence of bats within the garage.

### 7.0 CONCLUSION

With the appropriate legal mechanisms in place providing sufficient safeguards, it is considered that overall, in principle, objection to the conversion can be relaxed. In that case the proposed development would neither cause material harm to visual amenity in terms of design and the setting to the Listed Building and would be acceptable, nor would it have a significant impact on

the reasonable occupation and enjoyment of a neighbouring residential or other sensitive property.

**RECOMMENDATION –CONDITIONAL APPROVAL SUBJECT TO THE APPLICANT ENTERING INTO A S106 AGREEMENT**

- (I) The applicant be informed that the committee would be minded to refuse planning permission for the reasons set out in paragraph (III) unless within 5 months of being invited to do so the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, in a form to be prepared by the Assistant chief Executive – Legal, in which case he shall be authorised to conclude such an agreement to secure the following:

(a) to prevent the sale or occupation of the outbuilding separately from the main house.

- (II) In the event of such an agreement being made, the Divisional Head of Planning and Building Control shall be authorised to grant permission subject to the following conditions:

1. Time limit for commencement of development

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

REASON: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans listed in the schedule of plans printed on this Decision Notice, unless agreed in writing by the local planning authority.

REASON: To ensure the scheme will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority

3. Samples of materials to be submitted agreed and implemented

Before development commences samples of materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be implemented using the approved materials. Subsequently, the approved materials shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity.

4. Joinery details

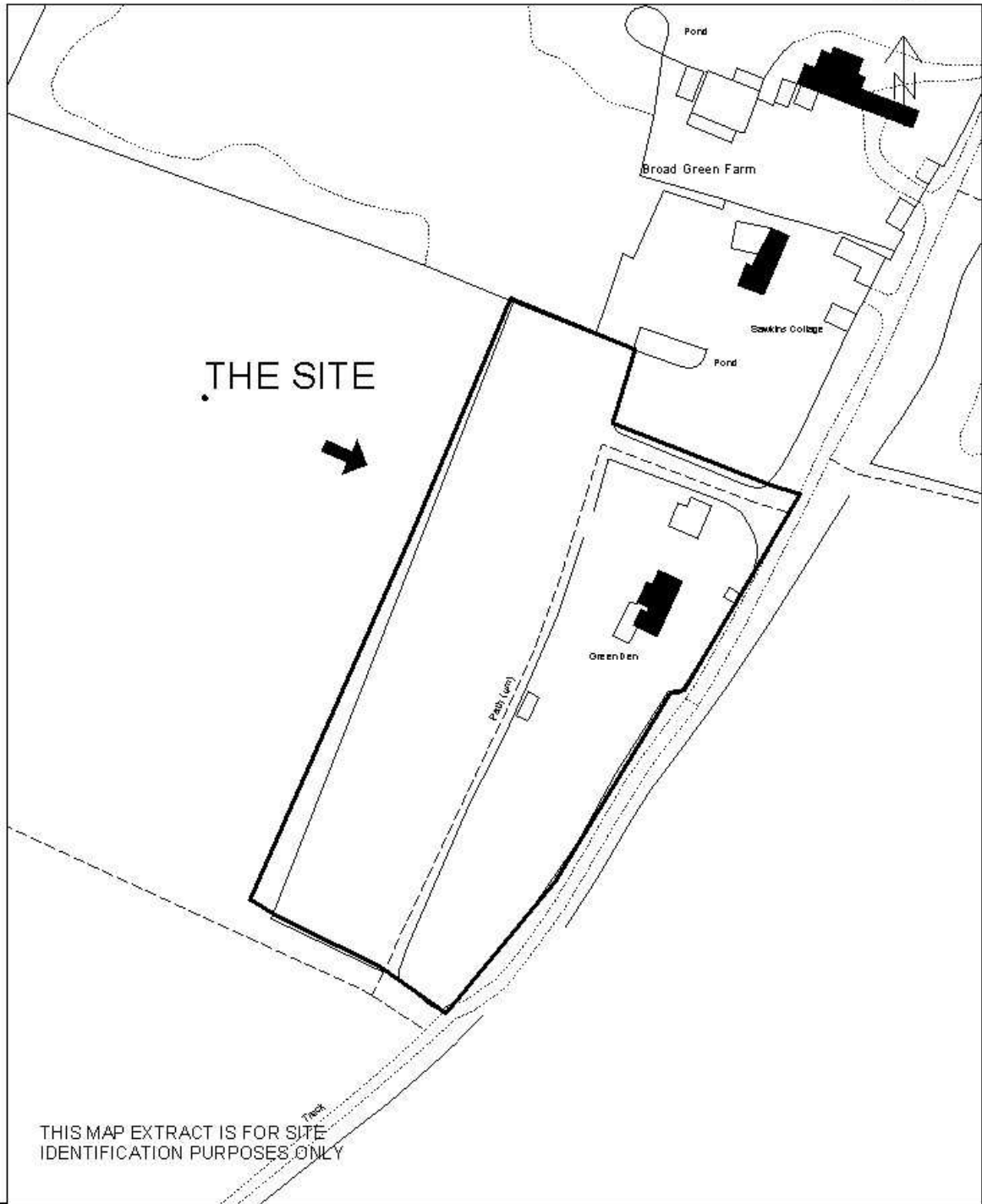
All external joinery to the development hereby permitted shall be of painted timber. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

REASON: In the interests of preserving the historic character and appearance of the listed building and its setting.

5. Painted wood

All external timber and all external windows to the development hereby permitted shall be painted. Subsequently, the materials shall not be changed without the prior written consent of the local planning authority.

REASON: In the interests of preserving the historic character and appearance of the listed building and its setting.



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DATE:12/08/2011

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