

UTT/1275/11/FUL – (STANSTED)

(Referred to Committee due to Section 106 Agreement being required)

PROPOSAL: Conversion of existing garage to habitable accommodation

LOCATION: Penrose Cottage Bentfield Bower STANSTED

APPLICANT: Mrs S Foster

AGENT: Jason Bagge Architecture

GRID REFERENCE: TL 501-257

EXPIRY DATE: 18-08-2011

CASE OFFICER: Planning Consultant

CLASSIFICATION OTHER

1.0 NOTATION

1.1 Beyond settlement limits, within grounds of LB, and this is a householder application;

2.0 DESCRIPTION OF SITE

- 2.1 The application site comprises a brick and peg tiled double garage and store with pitched roof dormers to the front and rear. The garage is situated to the rear of the grounds to Penrose Cottage, north-east of the site. The main dwelling is a Grade II Listed Building.
- 2.2 The property occupies an elevated position. The nearest building is a wooden garage situated at the rear of No 4 Bentfield Bower. There is a long curved driveway to Penrose Cottage, which is lined with copper beech hedging. There is ample parking for in excess of two vehicles.

3.0 PROPOSAL

- 3.1 The application seeks planning permission for the conversion of the double garage and store with minor alterations to the front of the building to provide accommodation for an *au pair* who is currently resident at the main property. Changes to the building would be minimal, amounting to the adaption of the existing garage doors to bi-folding vertical shutters with full width and height windows behind painted with dark-coloured glazing bars.
- 3.2 The applicants have not offered a Section 106 agreement preventing the annex from being sold separately.

4.0 APPLICANTS CASE

- 4.1 A Design and Access Statement has been submitted with the application. This outlines that the applicants require more living accommodation and feel that it is not appropriate to extend the main house, and by converting the garage would not impact upon the setting of the listed building.
- 4.2 The application would introduce a staircase in order to gain access to the upper floor where there is current no access.

5.0 RELEVANT SITE HISTORY

- 5.1 UTT/1545/05/FUL – Formation of first floor and conversion of garage loft including external staircase and dormers – REFUSED Page 11/05

- 5.2 UTT/0340/06/FUL - Formation of first floor and conversion of garage loft including dormers APPROVED - 24/04/06
- 5.3 UTT/2410/10/FUL – Extension to existing garage to form loft accommodation - WITHDRAWN

6.0 POLICIES

6.1 National Policies

- Planning Policy Statement 1
- Planning Policy Statement 4
- Planning Policy Statement 5
- Planning Policy Statement 7
- Planning Policy Guidance 13

6.2 East of England Plan 2008

- Policy SS1 - Achieving Sustainable Development
- Policy ENV7 - Quality in the Built Environment

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 – Home Extensions
- Policy GEN2 - Design
- Policy GEN4 – Good Neighbourliness
- Policy ENV2 – Development affecting Listed Buildings

- Supplementary Planning Guidance Home Extensions
- ECC Parking Standards (2009)

7.0 STANSTED MOUNTFITCHET PARISH COUNCIL COMMENTS

- 7.1 No objection but request condition tying occupancy of converted garage to main house to prevent severance and selling off.

8.0 CONSULTATIONS

Conservation Officer

- 8.1 The proposal subject of this application is to convert an existing garage and store area to a residential annex. The existing structure is some distance away from the listed principal cottage and in terms of its form and detailing already possesses the necessary requirement for low key adaptation to a residential use.
- 8.2 I consider that the suggested modification to the garage doors would not in visual terms unduly transform this outbuilding from what it is to more residential looking structure in its concept. I feel that the setting of the listed Penrose Cottage would not be diminished in any great degree by this conversion. Consequently I suggest approval subject to the following conditions.

- All new external joinery to be painted timber.

9.0 REPRESENTATIONS

- 9.1 The adjacent neighbouring properties were consulted of the application. The scheme was also advertised on site and within the local press. As a result no representations have been received. Notification period expired 4/8/2011.

10.0 APPRAISAL

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

- A Countryside protection
- B Design/setting of LB
- C Neighbour's amenity
- D Highway issues
- E Other material considerations including Supplementary Planning Document: 'Parking Standards: Design and Good Practice Guide'.

- 10.1 With regard to countryside protection, in determining this application the main consideration is whether the minimal changes to the building would protect or enhance the particular character of the part of the countryside in which the dwelling is sited. Policy S7 of the adopted local plan contains a clear presumption against development within the countryside, except for development that needs to take place there, or is appropriate to a rural area. It is generally accepted that appropriate development includes limited extensions/alterations to dwellings; however it is for each case to be considered on its individual merits with regard to protecting the particular character of the local countryside. Policy H6 relates to the conversion of rural buildings to residential use but there is no specific local plan policy to address the conversion of an existing building furnished with all of its own amenities and capable of separate occupation.
- 10.2 Planning permission is not required to convert a garage in a residential curtilage to an annexe capable of independent accommodation provided both it and the existing dwelling remain within the same planning unit. The double garage post-dates 1948 and so is not listed in its own right however by virtue of being sited within the curtilage of a listed building it does not benefit from permitted development rights due to possible implications that proposed works could have upon listed buildings.
- 10.3 In respect of the design and appearance of this conversion 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 contextually to the setting of a Listed Building.
- 10.4 The double-garage is situated in an elevated position at some distance from the public highway with the remainder of the garden comprising the residential curtilage to the south and east, where there is a private children's play area. To the west is a wooden garage to a neighbouring property and to the north is an extended garden and small allotment. This is currently the subject of enforcement investigations regarding its change of use from agricultural to residential garden and remains a separate issue from the subject of this application.
- 10.5 The proposed elevational changes to the doors located on the south elevation would have little adverse impact on the surrounding countryside, in accordance with local plan Policy S7.

- 10.6 The issue is whether the elevational changes would adversely impact on the settings of adjacent and neighbouring listed buildings. In this case the proposed minimal external changes with sensitive material finishes would be of a high design standard and subservient, thereby, compatible with the scale, form, layout, character and appearance of the double-garage. As external changes are minimal 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. The development would, therefore, have no significant impact within the established street scene and setting to the adjacent listed building. No objection has been raised by the Council's Conservation Officer, subject to recommended condition(s). This accordance with local plan Policies GEN2 and ENV2, also PPS5
- 10.7 With respect to impact on existing residential amenity, the double-garage is remotely located and screened by a wooden garage in the grounds of the next nearest residential property and due to the schemes proposed ancillary residential use no impact upon neighbouring occupier's visual or residential amenity is considered. No other neighbouring properties would be affected in accordance with local plan Policies GEN2 and GEN4.
- 10.8 Despite the degree of independent living that would be provided as accommodation for an *au pair* who is currently resident at the main property, to be accepted as an annexe this must be controlled 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 double-garage 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 a Section 106 legal agreement to prevent the sale or occupation of the double-garage separately from the main house.
- 10.9 With regards to the parking standards there is ample space within the curtilage of the site to accommodate the required level of parking in accordance with the adopted parking standards.

7.0 CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A - No harm would result to the countryside
- B - No harm would result to the setting of the listed building and the proposed design is acceptable.
- C – No harm to neighbouring amenity is considered subject to relevant conditions and entering into a Section 106 Agreement tying the main house to the annex.
- D & E – no highway implications would result from the proposed development.

RECOMMENDATION – APPROVE SUBJECT TO CONDITIONS AND A S.106 LEGAL 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:
- (i) to prevent the sale or occupation of the double-garage 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 conditions set out below

- (III) If the freehold owner shall fail to enter into such an agreement, the Divisional Head of Planning and Building Control shall be authorised to refuse permission for the following reasons:
- (ii) to prevent the sale or occupation of the double-garage separately from the main house.

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. To be implemented in accordance with approved plans

The development/works 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. Matching materials

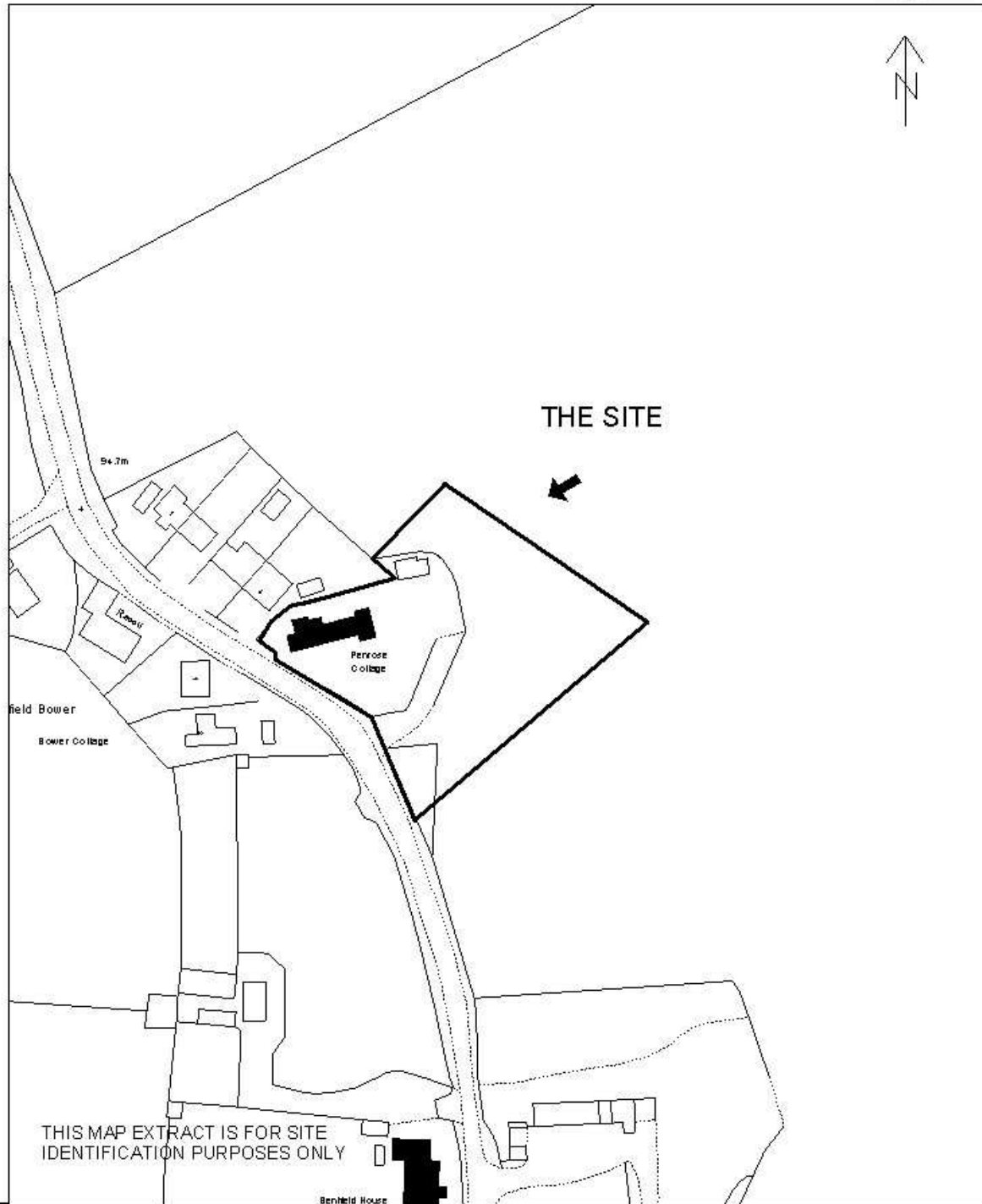
The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building unless otherwise first agreed in writing by the local planning authority. Subsequently, the external surfaces shall not be changed without the prior written consent of the local planning authority.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity and the setting of the listed building.

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.



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DATE:12/09/2011

MAP REFERENCE: TL5025NW

SCALE:1:1250