

**UTT/1413/11/FUL (GREAT DUNMOW)**

**PROPOSAL:** Detailed retrospective application for retention of conversion of double garage to habitable accommodation.

**LOCATION:** Heather Lodge, Ongar Road, Great Dunmow

**APPLICANT:** Mr F Potgieter

**GRID REFERENCE:** TL 626-220

**EXPIRY DATE:** 22 September 2011

**CASE OFFICER:** Planning Consultant

**APPLICATION TYPE:** Other

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**1.0 NOTATION**

1.1 Outside Development Limits / adjacent to Listed Building (Shingle Hall).

**2.0 DESCRIPTION OF SITE**

2.1 The application site comprises a detached double garage to a large detached two storey dwelling with an extensive rear garden located to the north-west of Ongar Road and immediately south west of the A120 trunk road situated in open countryside. The site occupies an elevated position and is effectively screened from Ongar Road by evergreen shrubs. Parking for in excess of two vehicles is available to the front of the property.

**3.0 PROPOSAL**

3.1 The application seeks planning permission for the retrospective conversion of the existing double garage to habitable accommodation. The double garage has a hipped roof and has been fitted out with kitchenette, WC and shower but without any external changes. The present oak double garage doors would remain for aesthetic purposes.

**4.0 APPLICANTS CASE**

4.1 The double garage has always been used as a games room since its construction with insulation and central heating. Letter received from Building Control advising that the building would meet Building Regulation standards should it to be used to facilitate future conversion to habitable usage. I wish to regularise the position for friends and family to sleep in the building overnight. The single garage on the site would remain for storage purposes.

**5.0 RELEVANT SITE HISTORY**

5.1 Two storey replacement dwelling with double garage approved in 2004. Retrospective application for retention of existing detached garage for storage purposes approved in 2007. Enforcement investigations carried out in 2007 in respect of double garage being used for additional residential purposes.

## **6.0 POLICIES**

### **6.1 National Policies**

- Planning Policy Statement 5: Planning for the Historic Environment
- Planning Policy Statement 7: Sustainable Development in Rural Areas

### **6.2 East of England Plan 2006**

- EEP Policy ENV7: Quality in the Built Environment

### **6.3 Essex Replacement Structure Plan 2001**

- None

### **6.4 Uttlesford District Local Plan 2005**

- ULP Policy S7: The Countryside
- ULP Policy H6: Conversion of Rural Buildings to Residential Use
- ULP Policy H8: Home Extensions
- ULP Policy GEN2: Design
- ULP Policy GEN8: Vehicle Parking Standards
- ULP Policy ENV2: Development affecting Listed Buildings

### **6.5 Supplementary Planning Guidance**

- SPD1: Home Extensions
- ECC Parking Standards (Design & Good Practice) September 2009

## **7.0 TOWN COUNCIL COMMENTS**

7.1 Object on the grounds that this is a retrospective application.

## **8.0 CONSULTATIONS**

### Building Control:

8.1 No adverse comments.

### UDC Project Officer:

8.2 No requirement under Lifetime Homes within SPD advice providing the building as converted is used for overnight accommodation and not used as an annexe.

## **9.0 REPRESENTATIONS**

9.1 None received. Notification period expired 25 August 2011. Site Notice expired 31 August 2011.

## **10.0 APPRAISAL**

10.1 The main issues are:

- A Countryside protection/rural building conversion (PPS7 & ULP Policies S7 and H6);
- B Design/Neighbouring amenity (ULP Policies H8 & GEN2, SPD: Home Extensions);
- C Impact on setting of adjacent Listed Building (PPS5 and ULP Policy ENV2);
- D Highway considerations (ULP Policy GEN8 & ECC Parking Standards (Design &

**A) Countryside protection/rural building conversion**

- 10.2 With regard to countryside protection, the main consideration in determining this application is whether the garage conversion would protect or enhance the particular character of the part of the countryside in which the dwelling is sited if the principle of its conversion is acceptable. Policy S7 of the Adopted Uttlesford 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 and alterations to dwellings, although 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, although there is no specific local plan policy to address the conversion of an existing domestic building furnished with all of its own amenities and capable of separate occupation as is the case with the application building.
- 10.3 The detached double garage the subject of this application already exists at the site, albeit that it is not being used for its originally approved purpose, whilst no physical increase is proposed to its footprint or height. As it is not intended to sever the garage from the planning unit of the main house a fundamental objection would be overcome. The use of the garage as an annex to the main property providing overnight sleeping accommodation for occasional guests would not, therefore, cause any material harm to the surrounding locality and countryside as there would be no independent occupation. This can be ensured by an appropriate condition.

**B) Design/Neighbouring amenity**

- 10.4 In respect of the design and appearance of this garage conversion and its impact upon the existing dwelling, both the adopted local plan policies and the Supplementary Planning Document 'Home Extensions' indicate that extensions should respect the appearance of the existing dwelling. No external changes are proposed to the appearance of the garage block. The proposed conversion would therefore be compatible with the scale, form, layout, character and appearance of the original dwelling. A condition may be attached to any permission granted preventing any further windows or openings being inserted within any elevation without the prior permission of the local planning authority. This would preserve the appearance of the garage. With regard to impact on existing residential amenity, no-one would be affected by the garage conversion as there are no immediate neighbours and those occupying the listed buildings are separated by extensive grounds. No other neighbouring properties would be affected.

**C) Impact on setting of adjacent Listed Building**

- 10.5 Regard must also be had to the setting of the nearby listed building, Shingle Hall situated to the immediate west. It is considered in this instance, however, that the setting of this listed building would not be detrimentally affected by the proposal.

**D) Highway considerations**

- 10.6 There is sufficient on-site parking for in excess of two vehicles at the site in lieu of that lost by the garage and no highway objections are therefore raised.

**7.0 CONCLUSION**

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

- Subject to compliance with appropriate conditions, the principle of ancillary residential use is acceptable.
- The development would neither cause material harm to visual amenity in terms of design nor would it have a significant impact on the reasonable occupation and enjoyment of a neighbouring residential or other sensitive property.
- The setting to the adjacent Listed Building would not be materially affected.
- Parking would be acceptable.

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

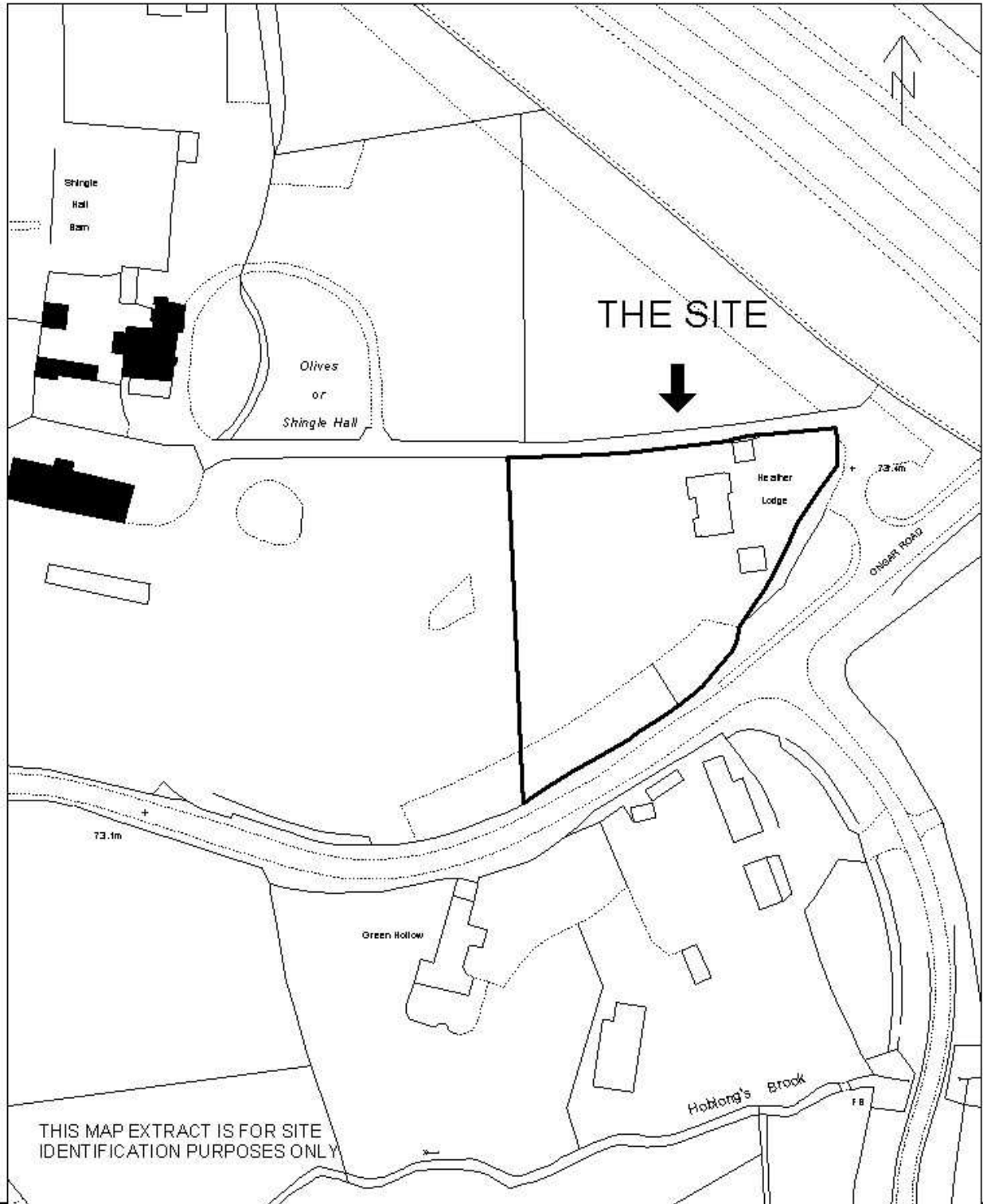
(I) The applicant be informed that the committee would be mindful to refuse planning permission for the reasons set out in paragraph (III) unless within 6 months of being invited to do so the freehold owner enters into a binding agreement to cover the matters set out below under Section 106 of the Town 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) that the converted annexe shall be tied to the main dwelling known as Heather Lodge, Ongar Road, Great Dunmow, Essex, CM6 1JB and shall not be sold off separately from the main dwelling;
- (ii) pay the Council’s reasonable costs.

(II) In the event of such an agreement being made, the Assistant Director Planning and Building Control shall be authorised to grant planning permission subject to the conditions set out below:

(III) If the freehold owner shall fail to enter into such an agreement, the Assistant Director Planning and Building Control shall be authorised to refuse permission.

1. Other than the windows shown on the approved drawings to which this planning permission relates, no further windows or other form of opening shall be inserted into any elevation without the prior written consent of the local planning authority.  
REASON: To preserve the appearance of the detached garage for the benefit of visual amenity in accordance with Policies GEN2 and H8 of the Uttlesford Local Plan (adopted 2005).
2. The converted garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Heather Lodge.  
REASON: To prevent overdevelopment of the site and the creation of a separate dwelling in this rural location in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005).
3. Within four weeks of the date of the commencement of the development hereby permitted or other such period as agreed by the local planning authority details of Cost Effective Energy Efficiency Measures to be carried out to the extended dwelling shall be submitted to and approved in writing by the local planning authority. These measures shall be implemented during the construction of the development, unless otherwise previously agreed in writing by the local planning authority.  
REASON: These measures are required to mitigate the greater use of energy resulting from the provision of the new extension to meet the requirements contained in adopted SPD Energy Efficiency and Renewable Energy Adopted October 2007.



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