

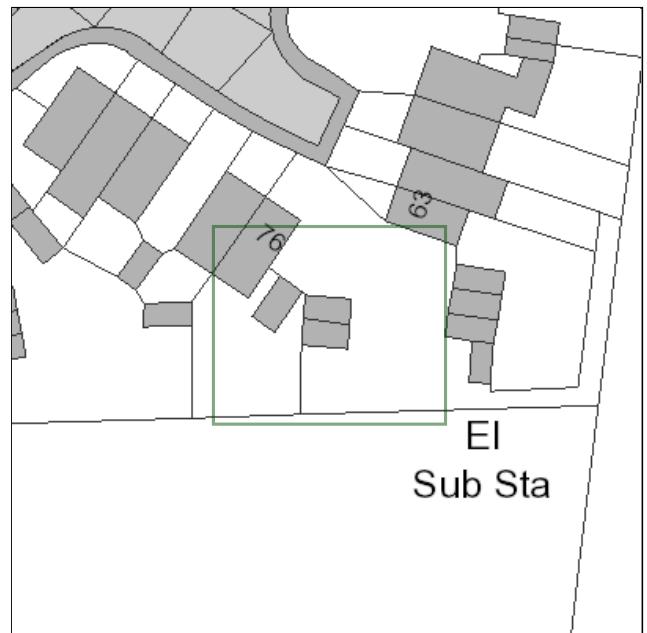
Ward Dunkeswell And Otterhead

Reference 21/0954/FUL

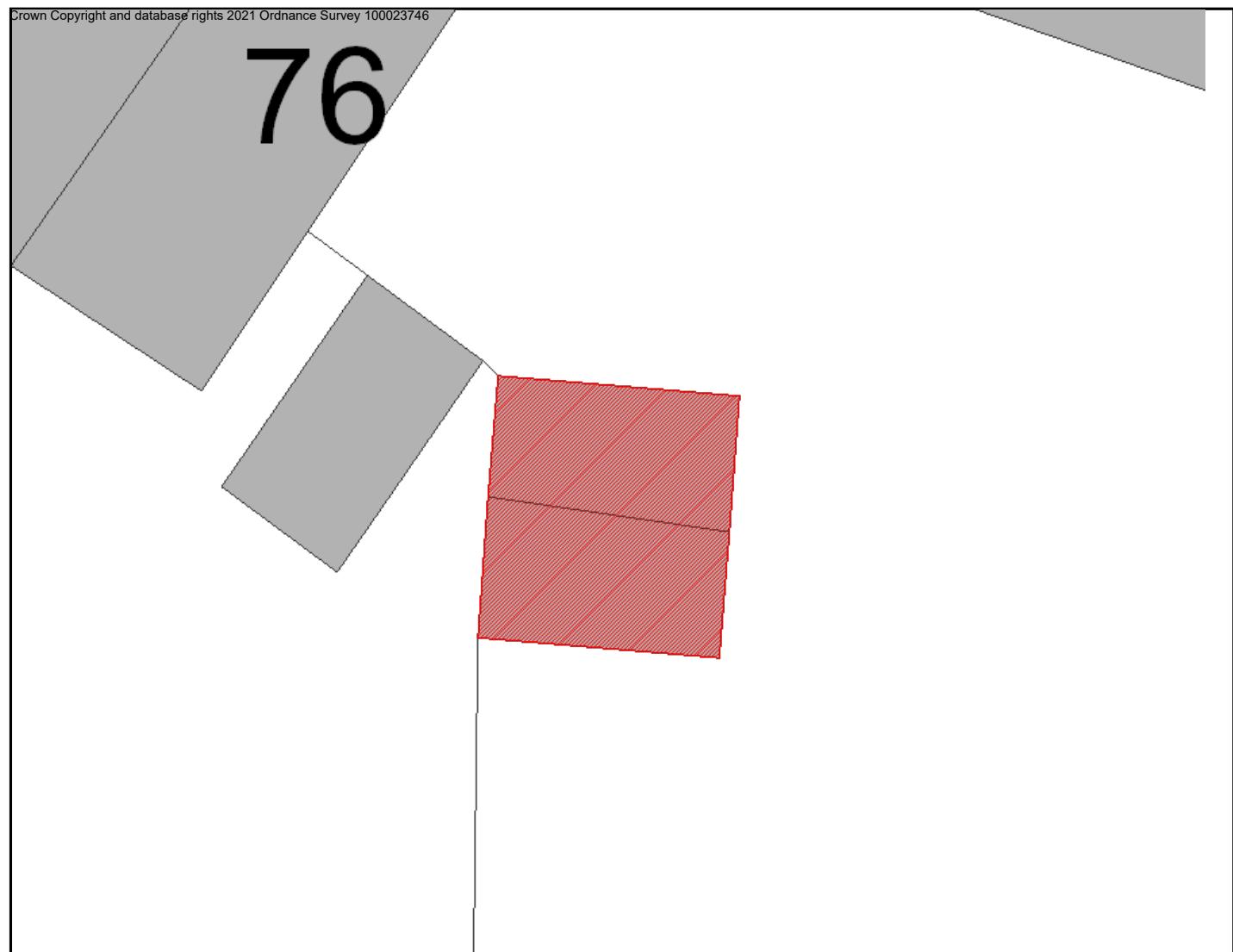
Applicant Mr Richard Jones

Location 61 Jenwood Road Dunkeswell Honiton EX14 4UY

Proposal Change of use and alterations to detached double garage to create an annexe for use by family.



RECOMMENDATION: Refusal



		Committee Date: 4th August 2021
Dunkeswell And Otterhead (Dunkeswell)	21/0954/FUL	Target Date: 02.06.2021
Applicant:	Mr Richard Jones	
Location:	61 Jenwood Road Dunkeswell	
Proposal:	Change of use and alterations to detached double garage to create an annexe for use by family.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before the Committee because the recommendation is contrary to the view of one of the Ward Members.

The proposal is to convert a detached double garage situated within a shared parking courtyard into an annex to a dwelling which is separated from the parking area by another dwelling.

The proposal would provide a very small self-contained bedsit that would be capable of occupation independently of the main dwelling. Physically and functionally it would be separate from the main dwelling and consequently it would be tantamount to an independent dwelling in its own right. Because it would be self-contained and physically separate it is highly likely that any occupant would live in the accommodation independently of the main house, regardless of any restriction that may be imposed. It would not be appropriate to attempt to control the use by way of a condition or legal agreement because any restriction would inevitably be breached.

By virtue of its small scale and location within a car park, the proposal would fail to provide good quality living conditions for future occupants and it would also fail to reinforce the character of the area.

For these reasons the proposal is recommended for refusal.

CONSULTATIONS

Local Consultations

Dunkeswell And Otterhead - Cllr David Key

I fully support the application stated as an annexe to the main residence and to prevent it from being separated as a separate dwelling.

Parish/Town Council

The Council, having had the opportunity to speak directly with the applicant and have some of the concerns regarding the application explained more thoroughly, including single skin walls, trees surrounding the garage and the room sizes, and in addition, to the applicant having been asked by EDDC to a revision to the original application, to include an agreement for family use only would like to comment as follows on application 21/0954/FUL - In principle the Council have no objections to this application other than they would ask that if the officers are minded to approve this application that it is approved as an annexe, tied to the main dwelling & not for sale separately.

Other Representations

None received.

Technical Consultations

Environmental Health

I have considered the application 21/0954/FUL and do not anticipate any environmental health concerns.

PLANNING HISTORY

None.

POLICIES

Dunkeswell Neighbourhood Plan (Made)

Policy NE1 – Retaining, Conserving and Enhancing the Natural Beauty of our Parish

Policy BE1 – Maintaining the Built Character through High Quality Design

Policy TA3 – Off-road Parking

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

D8 (Re-use of Rural Buildings Outside of Settlements)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

The site is located on the Highfield estate in Dunkeswell, which lies in the Blackdown Hills AONB. The village does not have a Built-up Area Boundary and hence it is classed as countryside for the purposes of planning policy. Jenwood Road is a cul-de-sac and the application building, a detached double garage, is situated in a shared parking courtyard at the end of the cul-de-sac and on the edge of the developed area. Within the courtyard there is a further block of garages and a number of parking spaces are also marked out. Number 61 is a mid-terrace two-storey dwelling, separated from the parking courtyard by number 63.

Proposal

This application seeks planning permission to alter a detached double garage to create an annex to 61 Jenwood Road. The garage building is located in a small parking courtyard which is a short distance from the house. The parking courtyard is shared with two other properties

The applicants intend to use the annex as accommodation either for one of their adult daughters (aged 21 and 25) or possibly an elderly relative. Unfortunately, at this early stage in their careers, private rental properties are currently out of reach of the daughters. As an interim arrangement the larger of the two bedrooms in the main house has been divided to create two very small bedrooms to give each of the daughters privacy. These cramped living conditions and the affordability problem have given rise to this proposal to convert the garage to additional accommodation.

The annex would have a floor area of 24 square metres and would provide a bed-sitting room with kitchen facilities, a shower room and a hallway with storage cupboards. The external alterations are limited to replacing the garage doors with windows, adding a rooflight and inserting a door in the side elevation. On the south side of the garage there is a small area of ground that would provide an outdoor amenity space for the annex.

ANALYSIS

The main issues for consideration are the principle of development, impact upon the character of the area and impact upon parking.

Principle and Use

To be an annex to a dwelling, there needs to be dependence upon the main house such that the annexe cannot/is not used independently. Dependence is usually in the form of sharing a kitchen or lounge, or bathroom and therefore being daily intensive interaction between the occupiers of the annexe and the facilities in the main house.

Although the building the subject of this application is intended to be occupied by family members, the family relationship would not be sufficient to guarantee a dependence between the annex and the house. In this case the annex would not sit within the curtilage of the dwelling, it would not share an access and there would be a separation of around 30 metres door to door. Owing to the self-contained nature of the

accommodation and its separation from the main house it is highly likely that any occupant would occupy the building independently and would not rely on the main house for any day-to-day needs. Moreover, the occupants of the annex would come and go without any interaction with the occupants of the main house. As a result the annex would be tantamount to an independent dwelling.

The lack of dependence on the main dwelling has been confirmed by the applicant in a supporting statement that states the following:

'Since moving to 61 Jenwood Road in January 1994 we have had two children, both of whom are now over 21. Our second bedroom was divided into two rooms to allow a cot room and small single room many years ago. The larger of the two rooms has a footprint of less than 5 square meters.

When our eldest child's partner stays overnight, this can only be done downstairs due to the size of the bedroom. With an open plan lounge and stairs this can be very difficult as access to the kitchen or the front door is through the lounge.

They both work full time but are trainees on trainees' salaries. We are looking to convert the garage into a studio apartment to provide them the opportunity to have a degree of independence while being able to save to purchase their own property in the future. The garage has only been used for storage since we have owned it. The change of use does not affect parking as the number of vehicles does not increase from the current number.

My work has been based in Dunkeswell since 2001, my wife's work is based in Dunkeswell and both my children work in Dunkeswell so we have no plans on moving.

We are happy for a legal agreement as requested by the planning department being put in place that ties the garage to the house. The level of dependency on the main house will be minimal mainly for use of a washing machine, connectivity to broadband and social interaction/support.

As for the future, when they are in a position to relocate our younger child would then be able to do the same or my elderly parent.'

In the absence of any dependent functional relationship between the two units of accommodation, a planning condition would not be sufficient to ensure that the 'annex' is not occupied independently. Intentionally or not, it is likely that any occupant would be in breach of such a condition because they would not have any need to access the house. Furthermore, it would not be appropriate to create a 'paper' connection by way of a written legal agreement because it would not reflect the actual use taking place. Again, it is highly likely that the occupants would find themselves in breach of the legal agreement, which would carry more severe consequences than breaching a condition.

In circumstances where dependence on the main house cannot be established or guaranteed it is not appropriate to use a condition or legal agreement to create an imaginary connection.

Owing to its physical and functional separation from the main house, the proposed use of the building is not an annexe and tantamount to the creation of a new dwelling.

As Dunkeswell does not have a Built-Up Area Boundary, there is no Local Plan or Neighbourhood Plan support for a new dwelling in this location and the principle of such is unacceptable.

Character

This proposal would provide a very small unit of accommodation by any standard and would not create the 'high standard of amenity' sought for new dwellings in paragraph 127(f) of the NPPF.

While it may assist with relieving pressure in the main house, this in itself does not justify creating additional substandard accommodation.

Furthermore, the plot and the dwelling would be considerably smaller than any of the surrounding properties and would not reinforce the pattern of dwellings fronting onto the road. The location of the dwelling within the parking court would result in a poor living environment.

This small and cramped backland dwelling would be out of character with the area and provide a poor living environment. Consequently it would be contrary to Strategy 7 and Policy D1 of the Local Plan and Policy BE1 of the Neighbourhood Plan.

Parking

The proposal would result in the loss of two potential parking spaces within the garage. However, the garage is currently used for storage and therefore in practice there would be no change in the number of available spaces as a result of the development.

To serve the existing dwelling the applicants own two parking spaces within the courtyard which are adequate to satisfy Policy TC9 of the Local Plan and Policy TA3 of the Neighbourhood Plan. However, the 'annex' would not have any dedicated parking. The Local Plan would expect one space to be provided for a one-bed dwelling and the Neighbourhood Plan essentially seeks to apply the same standard unless "adequate alternative parking provision to serve the dwelling, so that road and pedestrian safety will not be compromised" is provided. The preamble to the policy adds "Our policy TA3 is therefore designed to prevent the loss of existing off-road parking space as a result of development where that loss may have an impact on the safety of road users in the vicinity."

In this area most dwellings have off-road parking spaces and consequently there is not excess demand for spaces on the road. Whilst the 'annex' would not have its own off-road parking, the one additional car it would generate could be accommodated on the road without compromising safety. The proposal would therefore satisfy the overall objectives of the Local and Neighbourhood Plans.

Other Matters

The garage is adjacent to 76 Jenwood Road but the layout of the proposed development would not give rise to any adverse impact on the neighbour's amenity.

There would be no impact on the landscape and scenic beauty of the AONB as the proposal relates to an existing building and the alterations proposed are modest.

Furthermore there would not be any pressure to fell any trees as they would not adversely affect the occupants of the annex.

CONCLUSION

In summary, the 'annex' would effectively be a new dwelling and no condition or legal agreement limiting its occupation could reasonably be imposed owing to the degree of physical and functional separation between the 'annex' and the main house. There is no Local Plan or Neighbourhood Plan policy support for a dwelling in this unsustainable location.

Furthermore, by virtue of its small size and its location in a car park, it would fail to provide a good standard of amenity and it would not reinforce the character of the area.

In view of these considerations the proposal is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposal would create a unit of self-contained accommodation that would be physically and functionally separate from the main dwelling. Consequently it would be tantamount to an independent dwelling and its occupation could not reasonably be controlled by way of a condition or a legal agreement.
Furthermore, occupation as an independent dwelling would be contrary to the description of the proposal. In the absence of a dependent relationship between the proposed accommodation and the main dwelling and given that an effective means of control over the occupation of the accommodation cannot be secured, the development would amount to an independent dwelling which would fall outside the scope of this application and cannot therefore be supported.
Furthermore, there is no Local Plan or Neighbourhood Plan policy support for a dwelling in this unsustainable location and as such the proposal is contrary to Strategy 7 of the East Devon Local Plan.
2. By virtue of the small scale of the building and the plot and the location within a car park the proposal would give rise to poor living conditions for future occupants and for the same reasons the development would be out of character with the surrounding area. The proposal is therefore considered to be contrary to Strategy 7 - Development in the Countryside and Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031 and Policy BE1 - Maintaining the Built Character through High Quality Design of the Dunkeswell

Neighbourhood Plan 2014-2031 and paragraph 127 of the National Planning Policy Framework (2019).

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

01-0820-(P)02	Combined Plans	01.04.21
02-0820-(P)01	Location Plan	01.04.21
02-0820-(P)04	Proposed Combined Plans	01.04.21

List of Background Papers

Application file, consultations and policy documents referred to in the report.