
MAIN CASE

Reference No: 18/00349/FUL

Proposal: Proposed residential annex for family members

Site Address: Elm Lea 22 Station Road Kennett Newmarket Suffolk CB8 7QD

Applicant: Mr Robin Swanson

Case Officer: Oli Haydon Planning Officer

Parish: Kennett

Ward: Fordham Villages
 Ward Councillor/s: Councillor Joshua Schumann
 Councillor Julia Huffer

Date Received: 14 March 2018 **Expiry Date:** 7th June 2017

[T18]

1.0 RECOMMENDATION

- 1.1 Members are requested to REFUSE planning permission for the following reason:
1. Policy ENV2 of The East Cambridgeshire Local Plan 2015 and LP22 of the 2017 Submitted Local Plan requires development proposals to ensure that their location, layout, scale, form and massing relate sympathetically to the surrounding area. The proposal is for a self-contained annexe the siting of which means that the proposal would be physically separated from the main dwelling with all the characteristics of an independent dwelling, contrary to Policy LP33 of the Submitted Local Plan 2017.

Additionally, the scale and height is considered characteristic of a new dwelling and not that of an annexe which should have a visually subordinate relationship to the associated dwelling. The proposal also lacks a functional relationship with the main dwelling and could be occupied entirely independently from the main dwelling, leading to a harmful impact on the residents of both units. Accordingly, the proposal is considered to result in a separate planning unit outside the defined development envelope which would be tantamount to the creation of a new dwelling in the countryside, contrary to East Cambridgeshire Local Plan (2015) Policies GROWTH2, ENV1, ENV2 and HOU2, Policies LP3, LP22, LP28, LP31 and LP33 of the Submitted Local Plan (2017) and Central Government advice contained in the National Planning Policy Framework.

2. Visually, the provision of a new residential structure on this site would result in a harmful urbanising incursion into an open settlement-edge setting, significantly and unacceptably diminishing the site's current contribution to the surrounding open rural and agricultural landscape, and at odds with the predominantly linear character of built form along Station Road. The proposal would be considered as unacceptable backland development and would result in an undesirable hardening of the edge between the built-up extent of the village and the rural area beyond, irrevocably harming the existing transition between the edge of the village and the countryside beyond. The proposal would cause significant and demonstrable harm to the character and appearance of the area. The proposal would be contrary to the SPD Design Guide 2012, Policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Submitted Local Plan 2017.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks consent for the erection of a one-and-a-half-storey, two bedroom annexe to the rear of the property at 22 Station Road. The annexe would serve as additional accommodation for the applicant's son and wider family when visiting the area.
- 2.2 The annexe would be located outside Kennett's defined development envelope and incorporate an office to facilitate home-working for a member of the family. The annexe would be 6.6m in height, 15.3m in width and 9.5m in depth. The annexe would be located in the informal garden of 22 Station Road, beyond the paved area and more formal lawn, a total of 21.5m from the main dwelling.
- 2.3 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.4 The application was called-in to Planning Committee by Cllr Joshua Schumann as 'some of the issues surrounding this application are delicately balanced and due to the applicant being the Chairman of the Parish Council'.

3.0 PLANNING HISTORY

- 3.1 No relevant planning history.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 22 Station Road is a large two-and-a-half storey dwelling located on the southern side of the settlement of Kennett, within the development envelope. The position of the residential element of the annexe is outside the development envelope in the informal rear garden of 22 Station Road. Between the proposed annexe and the dwelling there is a paved area and formal garden, along with an outbuilding.

4.2 This area of Station Road is characterised by a linear form of residential development along the eastern edge of the road with a row of thick vegetation demarcating the western side of the road.

5.0 **RESPONSES FROM CONSULTEES**

5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

Kennett Parish Council – No concerns raised.

Ward Councillors – Cllr Schumann requested the application be called-in to Planning Committee due to the issues raised and the position of the applicant on the Parish Council.

5.2 **Neighbours** – Four neighbouring properties were notified and a site notice was posted and the four responses received are summarised below. A full copy of the responses are available on the Council's website.

- Backland development
- Set a precedent for further development to the rear of other gardens
- Outside the development envelope
- Barn shown on plans is not used for habitable accommodation but storage
- Impact on light to neighbours
- Loss of neighbouring views and impact of position of annexe
- Proposal is effectively a standalone house not an annexe
- No reason why the office isn't kept in the main house
- 22 Station Road is a considerably sized house which can accommodate family and guests comfortably
- Lack of pre-consultation
- Cumulative impact of future parking requirements from annexe and business uses
- Should join up with the property and not be detached
- 500 dwellings in Kennett proposed would provide accommodation for the applicant's family.
- The Parish Council has not objected despite their objections to the backland development, outside the development envelope application 17/02031/FUM.

6.0 **The Planning Policy Context**

6.1 **East Cambridgeshire Local Plan 2015**

| | |
|----------|--|
| ENV 1 | Landscape and settlement character |
| ENV 2 | Design |
| ENV 7 | Biodiversity and geology |
| ENV 8 | Flood risk |
| COM 7 | Transport impact |
| COM 8 | Parking provision |
| GROWTH 2 | Locational strategy |
| GROWTH 5 | Presumption in favour of sustainable development |
| ENV 9 | Pollution |

HOU 2 Housing density

6.2 Supplementary Planning Documents

Design Guide
Developer Contributions and Planning Obligations
Flood and Water

6.3 National Planning Policy Framework 2012

11 Conserving and enhancing the natural environment
7 Requiring good design
6 Delivering a wide choice of high quality homes

6.4 Submitted Local Plan 2017

LP1A presumption in Favour of Sustainable Development
LP2 Level and Distribution of Growth
LP3 The Settlement Hierarchy and the Countryside
LP6 Meeting Local Housing Needs
LP17 Creating a Sustainable, Efficient and Resilient Transport Network
LP22 Achieving Design Excellence
LP25 Managing Water Resources and Flood Risk
LP26 Pollution and Land Contamination
LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
LP30 Conserving and Enhancing Biodiversity and Geodiversity
LP33 Residential Annexes

7.0 PLANNING COMMENTS

The applicant seeks planning consent for the erection of a detached annex to the side of the property. The key issues relating to the assessment of annexes are –

- The principle of the development
- Impact on the character and appearance of the area
- Impact on amenity of neighbouring residents
- Impact on parking and highway safety

7.1 Principle of Development

7.1.1 The proposed annex would be separated from the main dwelling by approximately 21.5 metres. The dwelling's formal garden and paved area will divide the two buildings, with the existing 2.4m high rear garden wall marking the main elevation of the annex.

7.1.2 It is accepted that where a genuine annex is required it is preferable for it to be created through an extension to the existing dwelling so that it can be incorporated into the main accommodation should it be no longer required. This was raised

during pre-application discussions with the applicant and their architect but is evident that this route was not taken. In terms of need, the applicant has stated that the annex would be used by their son to enable them to remain the village. It would also provide additional accommodation for the applicant's extended family during their visits from abroad. Despite this, it remains that any anticipated need for additional accommodation could be incorporated into an extension to 22 Station Road or the conversion of existing outbuildings.

- 7.1.3 With regards to the size and internal layout of the building, the proposed annex is considered to be overly large. The annexe would be 6.6m in height, 15.3m in width and 9.5m in depth. It would contain a large living and dining area, two double bedrooms, a kitchen, study, hallway, three bathrooms, cloakroom and an office.
- 7.1.4 The Council has concerns that the one-and-a-half storey annex is overly large and is not subservient or incidental to the host dwelling. The proposed annex has all the facilities required to function as an independent unit of accommodation and its size in comparison to the host dwelling is not commensurate with accommodation that is ancillary to the main dwelling. The proposal is considered to represent a separate single dwellinghouse that is self-contained with all the necessary day to day living facilities and would result in the creation of a separate planning unit. Both the provision of facilities within the annexe (kitchen, bedrooms, bathrooms, living room) and the siting and physical relationship 21.5m from the parent dwelling results in an unacceptable level of independence and a lack of functional relationship with the main dwelling.
- 7.1.5 The Submitted Local Plan 2017 Policy LP33 relates to residential annexes within defined development envelopes. Although this policy garners limited weight, the criteria listed are relevant to all annexe applications prior to the publication of this policy. As the proposed annexe appears tantamount to the creation of a new dwelling (or separate planning unit), is not ancillary or subordinate in size, is clearly capable of subdivision from the main dwelling and lacks a clear functional relationship with the occupant of the annexe and the original dwelling, the application for the proposed annexe should not be granted. If there is a clear need for a home-office and additional bedrooms for visitors, these could be facilitated through a small rear extension to Number 22.
- 7.1.6 On balance, the fact that the annexe and 22 Station Road share a vehicular access does not justify the contravention of the other elements of LP33 and the SPD Design Guide.
- 7.1.7 As the proposed annexe is considered to represent a standalone dwelling in the countryside, an assessment of the proposal against adopted policy GROWTH 2 and emerging policies LP1 and LP3, which seek to manage new development so that it takes place in sustainable locations, must be made. Policy GROWTH 2 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport with more limited development taking place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs. It then states that outside of these settlements new development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development outside these settlements will not be

permitted except where it complies with a limited range of specified categories detailed in that policy; none of which pertain to the current proposal.

- 7.1.8 The emerging policy LP3 lists Kennett as a “medium village” that has a reasonable range of services and which is defined by a development envelope. This sets the limit of the physical framework of the built-up area of the settlement and its primary purpose, and the policies which apply within and outside them, is to prevent the spread of development into the countryside, to maintain the essential character of the settlement and control the growth within and outside it in accordance with the settlement hierarchy in policy LP3. Policy LP31 relates to new development in the countryside and it sets out the type of development that might be appropriate, including new residential development. These policies reflect the Government’s guidance on rural development contained in the Framework and they establish a range of development types that require a countryside location as an exception to the strategy of focussing most new development within sustainable settlements. The proposed development does not fulfil any of the listed exceptions in either policy.
- 7.1.9 The majority of the proposal is located outside of the development envelope with only the office element of the structure located within the development envelope. Policies GROWTH2 and LP3 very clearly seek control new residential development in the areas outside of the defined settlements. Policy LP30 of the Submitted Local Plan adds an additional layer of control over development in the countryside. It lists a series of exceptions to the normal approach of restricting open market residential development in the countryside; none of which apply in the current case. The proposed development does not comply with either the adopted or emerging Local Plan policies relating to new residential development in the open countryside and the proposal is not acceptable in principle.
- 7.1.10 In light of this, as the proposal seeks to create a standalone dwelling outside the development envelope for Kennett, the proposal is also considered contrary to adopted East Cambridgeshire Local Plan (2015) Policies GROWTH2, ENV1, ENV2 and HOU2, Policies LP3, LP22, LP28 and LP31 of the Submitted Local Plan (2017) and Central Government advice contained in the National Planning Policy Framework.
- 7.1.11 The policy also relates to the impact on the amenity of the occupiers of the annexe, the parent dwelling and neighbours and also the character and appearance of the area, which will now be assessed.

7.2 Residential Amenity

- 7.2.1 The building would be located approximately 23m from the rear elevation of the neighbouring property at 24 Station Road. Whilst there would be an impact on the residents of this neighbouring property, as the siting of the annexe is beyond the south-eastern corner of the garden and occupies a small section of the neighbouring boundary, this impact is considered acceptable. The main eastern outlook of Number 24 remains unobstructed and the impact on sunlight provision for the private garden is unlikely to be substantial.

Further weight is added in support of the scheme considering the Permitted Development rights for the construction of outbuildings within residential gardens up to a height of 4m.

- 7.2.2 The annexe has been designed in such a way to avoid any overlooking on the neighbouring properties and gardens. The first floor accommodation will be served by dormer windows facing the informal garden and there will be no side or front facing windows at first floor level. It is considered that the impact on neighbouring privacy arising from the scheme is acceptable.
- 7.2.3 The neighbouring dwelling to the southwest, 20 Station Road, would be located at least 30m from the proposed structure and the impact on these residents is considered acceptable.
- 7.2.4 The residential amenity impact arising from an increase in vehicular movements to and from 22 Station Road is not likely to represent significant and demonstrable harm. The impact on neighbouring residents is considered to broadly comply with the relevant parts of 2015 Local Plan Policy ENV2, 2017 Submitted Local Plan Policy LP22 and the SPD Design Guide.
- 7.2.5 Despite this, the impact on the residents of 22 Station Road (the applicants), although there is deemed to be a family tie between the annexe and the dwelling at present, there can be no assurance that such a tie will remain in the future. If these units were to be marketed as separate planning units, there would be a significantly harmful impact on the residential amenity of both occupiers; contrary to 2015 Local Plan Policy ENV2, 2017 Submitted Local Plan Policy LP22 and the SPD Design Guide

7.3 Visual Amenity

- 7.3.1 2015 Local Plan Policy ENV2, 2017 Submitted Local Plan Policy LP22 and the SPD Design Guide seek to ensure that any development would not have an adverse impact on the visual amenity of the surrounding area.
- 7.3.2 The proposed development would be finished in a mix of timber cladding, flint and brickwork and would have a maximum height of 6.6m. The development would be located to the rear of the dwelling and be obscured from view from Station Road. Whilst the rear garden of the site is relatively open, there are some viewpoints to the east which would be impacted upon by the presence of the building.
- 7.3.3 A short distance north of the position of the annexe is a large two-storey barn and beyond the site to the east there is sparse light industrial development. It is considered that these structures provide a limited visual context for the proposed structure.
- 7.3.4 It is important to consider that the proposal is not considered to represent a structure subordinate and subservient with the dwelling at 22 Station Road and instead is tantamount to the creation of a new dwelling. Furthermore, the 'annexe' would not have the aesthetic of a modest outbuilding but instead represent a 6.6m high, timber-clad, one-and-a-half storey dwelling.

- 7.3.5 This part of Station Road is defined by a linear pattern of residential development with sporadic punctuations into the open countryside in the form of light industrial development. The proposal, which would extend the built form of Station Road by approximately 20m, constitutes a form of backland development that is out of character with the established form of development in the vicinity of the site. The character of the site and the area around it forms a transition between the built up area of Kennett and the rural open countryside beyond and the generally undeveloped nature of adjoining rear gardens contributes to a feathering of the edge of the settlement where it adjoins the countryside. The proposed siting of this residential unit would not have any particular visual or physical affinity with the existing pattern of development.
- 7.3.6 The proposal would be contrary to the SPD Design Guide, Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Proposed Submission Local Plan 2017 which seeks to protect landscape and settlement character and create positive and complementary relationships with existing development. These objectives accord with relevant provisions of the NPPF paragraphs 14, 17 and 56-68.

7.4 Other Material Matters

- 7.4.1 2015 Local Policies COM7 and COM8 and 2017 Submitted Local Plan Policies LP22 and LP17 combined seek to ensure that the proposed development would not have an adverse impact on the highway safety and ensure that the development would not lead to an increase in on street car parking. The proposed annex would be located to the rear of the dwelling and would utilise the existing large parking area belonging to 22 Station Road. It is considered that the proposed development would not have an adverse impact on highway safety or the parking provision of the dwelling.
- 7.4.2 Whilst it is recognised that the provision of the office within the annexe implies the operation of a business on the site, no change of use application has been received and it is therefore considered that the business use is ancillary to the main residential use of 22 Station Road and that the wider highways impact of this is unlikely to be significant.
- 7.4.3 The scheme would have a negligible impact on nearby trees or biodiversity, although biodiversity enhancements and landscaping conditions could be applied to any decision. In a similar fashion, surface and foul water drainage from the site can be dealt with by condition.

7.5 Planning Balance

- 7.5.1 On balance, it is considered that the proposed development would not be ancillary and incidental to the host dwelling. Due to its size and proposed internal layout which would provide rooms and facilities far above what would normally be expected in ancillary accommodation, it is considered that the proposed development could ultimately lead to a new separate unit of accommodation within the countryside, outside the defined development envelope for Kennett. Whilst the desire for additional accommodation for visiting family is appreciated, the provision of such ancillary accommodation should be explored through an extension to the

dwelling or smaller ancillary building which would rely much more on the facilities of the host dwelling.

- 7.5.2 The scheme would extend permanent built form into the countryside in this sensitive location in a manner that is considered harmful to local landscape character and visual amenity. The provision of the dwelling on this site would result in a harmful urbanising incursion into an open countryside setting, significantly and unacceptably diminishing the sites current contribution to the surrounding open rural and agricultural landscape.
- 7.5.3 On balance therefore the harm outlined above significantly outweighs the overall benefits of the scheme and the application is thus recommended for refusal.

| <u>Background Documents</u> | <u>Location</u> | <u>Contact Officer(s)</u> |
|------------------------------------|---|---|
| 18/00349/FUL | Oli Haydon Room No. 011 The Grange Ely | Oli Haydon Planning Officer 01353 665555 oli.haydon@eastca mbs.gov.uk |

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>