

Date of Meeting	14 July 2011
Application Number	E/11/0691/FUL
Site Address	Avenue Farm House Winterbourne Monkton Swindon SN4 9NW
Proposal	Construction of outbuilding to form garage workshop and ancillary accommodation (amendment to previous application E/09/01289/FUL).
Applicant	Mr Jeremy Sumbler
Town/Parish Council	WINTERBOURNE MONKTON
Grid Ref	409985 171557
Type of application	Full Planning
Case Officer	Peter Horton

Reason for the application being considered by Committee

The application has been called to committee by the local division member, Cllr Mrs Milton.

1. Purpose of Report

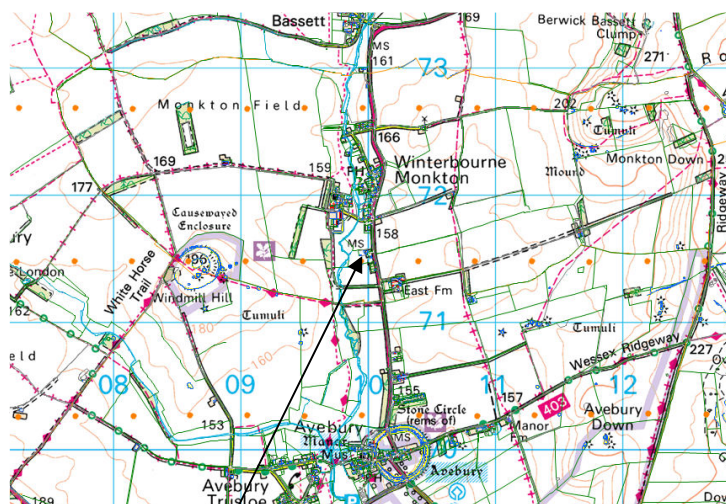
To consider the recommendation that the application be refused.

2. Report Summary

The main issues to consider are: (a) whether the proposal is tantamount to the creation of new dwelling in the countryside and therefore contrary to long standing national and local countryside planning policies, and; (b) whether the proposal would be detrimental to the character and appearance of the area, including to the setting of the Avebury World Heritage site.

3. Site Description

Avenue Farm is a modern six bedroomed property situated on the western side of the A4361 Avebury to Swindon Road. It is located in the countryside beyond the southern outskirts of Winterbourne Monkton, around 1km north of Avebury. The application relates to garden on the southern side of the property, sandwiched between it and 175 Winterbourne Monkton. The site is situated 320m outside the boundary of Avebury World Heritage Site.



The site

4. Planning History

K/55164/F approved November 2006. This application proposed two storey extensions on either end of the existing dwelling to create a substantial six bedroomed property.

E/09/0439/FUL refused May 2009. This application proposed an L-shaped outbuilding with sides of 15m and 18m in length. It was considered that a building of such a size would be detrimental to the visual amenities of the area. Furthermore, it was considered to be tantamount to a new independent dwelling, having kitchen, bathroom, very large sitting room and two bedrooms. Hence the proposal was considered to be contrary to long standing local and national countryside policies.

E/09/1289/FUL approved November 2009 (but not implemented). This proposal was for an L-shaped outbuilding with sides of 13.3m and 12.0m. It would be for a garage and workshop on the ground floor but with no residential accommodation or anything at first floor level. A condition required it to be used solely for purposes incidental to the enjoyment of the existing dwelling house, and not to be used as a separate unit of residential accommodation.

E/10/0771/FUL refused August 2010. This proposed an outbuilding of the same dimensions as approved by E/09/1289/FUL. However there would be a set of rooms at first floor level: living area/kitchen, bathroom and two bedrooms. The level of residential accommodation was such that the proposal was considered to be tantamount to a new dwelling in the countryside. Hence the proposal was refused on countryside policy grounds similar to those cited in the refusal for E/09/0439/FUL.

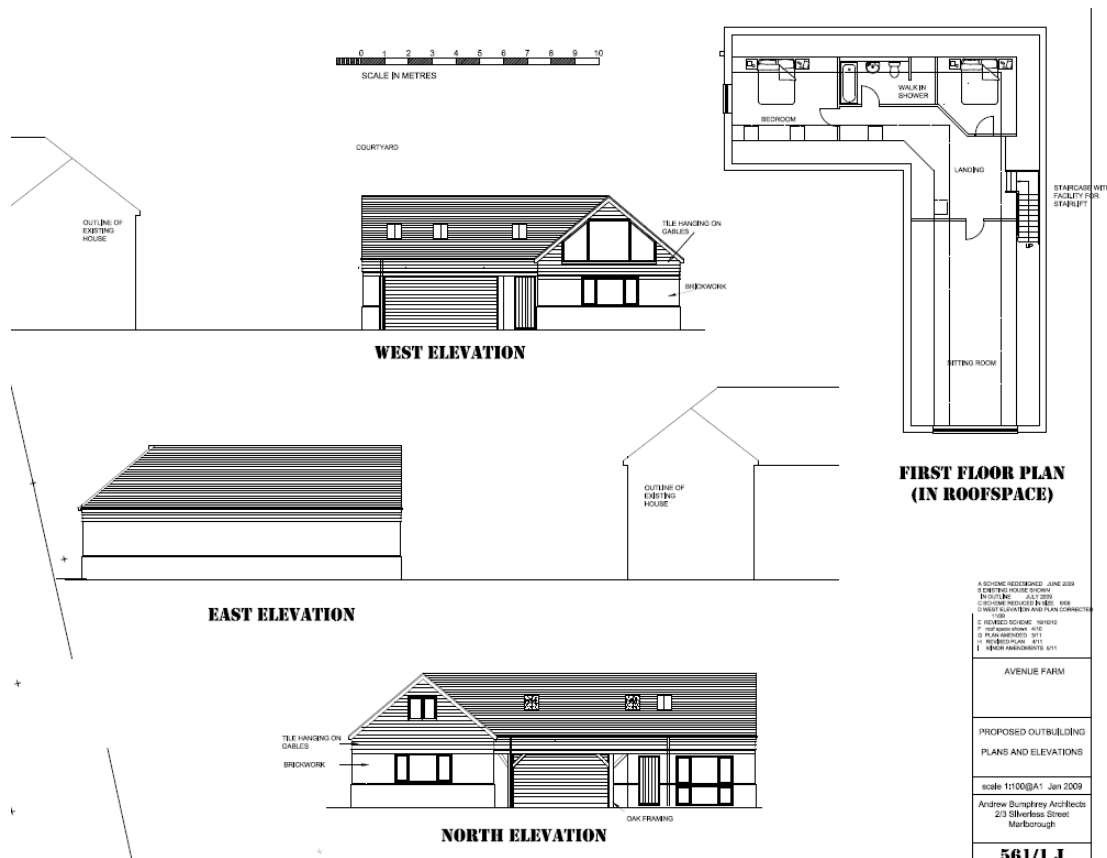
5. The Proposal

The application proposes the construction of a large new outbuilding to provide a garage/workshop and ancillary residential accommodation to the main house. It would provide two garages and a workshop on the ground floor. Also on the ground floor would be a kitchen. Upstairs there would be two bedrooms, a bathroom and a sitting room.

The building would be L-shaped, with the shorter side (13.3m) presenting a blank elevation on to the road. The longer side would measure 17.0m. The building would be 5.6m to the ridge. It would be constructed of brick with tile hanging to the gables, with a tiled roof. The fenestration would have a distinctly domestic character, including some very wide windows (notably a large first floor picture window). There would be 6 windows in total plus 8 rooflights. There would be 3 external doors plus two double garage doors.

To put the size of the building in context, it has a footprint almost as big as the house itself and larger than that of the dwelling at Haxton dealt with earlier in the agenda.

The ancillary accommodation is proposed to be used as a “granny flat” for the applicant’s parents.



7. Consultations

Parish Council: Makes the following comments:

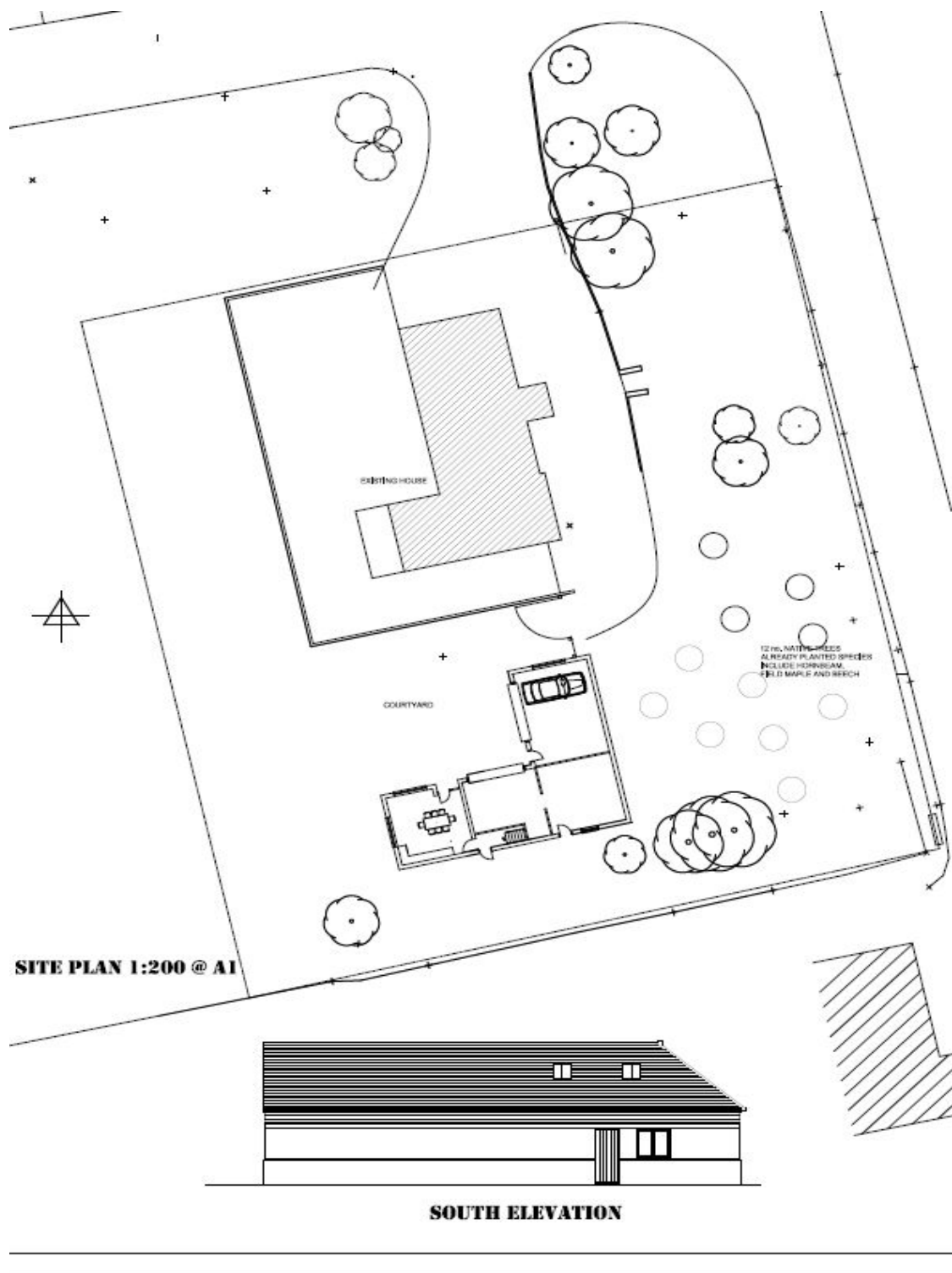
The proposed building still has the potential to be a separate dwelling. While the immediate purpose may be to provide accommodation for the applicant's parents, the building will stand for many years beyond the lifetime of anyone now living, and this must be taken into consideration. The house and the annexe could become the basis of a bed-and-breakfast business; there may be nothing wrong in that, but that is not the proposal.

The relevance of this provision for accommodation for the applicant's parents is called into question by the fact that the applicant does not appear to live there. There is only one name on the electoral roll for Avenue Farm – a lady whose name is not Sumbler.

The east elevation is what will be seen by the community from the road – a very plain blank wall.

North Wessex Downs AONB Officer: Objects. The proposal would result in a new dwelling within the protected landscape of the AONB, contrary to planning policy. The agent refers to the Uttlesford case. Although this case establishes the potential to convert existing outbuildings to provide annex accommodation to the main dwelling, it excluded the creation of new independent dwellings. The application has not demonstrated how the occupants of the main house and occupants of the proposed outbuilding would function other than as two separate family units. There is no information to suggest any level of dependence between the two properties and the accommodation provided appears to be more than "modest" as described in the Uttlesford case.

County Archaeologist: Unlikely to be a direct impact on known archaeology



World Heritage Site Officer: The site is located within the setting of Windmill Hill and of the World Heritage Site. It is visible from Windmill Hill and on the approach to the World Heritage Site on the main road. The proposal is appreciably larger than that granted by E/09/1289/FUL and is for a dwelling rather than an outbuilding. The development would represent a considerable negative cumulative impact in the rural landscape that is the setting of Windmill Hill and the World Heritage Site, contrary to local plan policy HH3 and to PPS5.

Environmental Health: Require an informative to be attached to any planning permission concerning their powers to investigate any noise complaints regarding use of the proposed workshop.

8. Publicity

Local Residents: No comments received

9. Planning Considerations

The application proposes a two bedroom detached annex to a substantial 6 bedroomd property. The site has a long planning history (see above) in which two previous proposals for residential annexes have been refused on the grounds that the proposals were tantamount to the creation of a new dwelling within the countryside, contrary to long standing national and local countryside planning policies. Neither of these refusals was tested at appeal. But now the applicant is proposing a building even larger than was proposed when last refused in 2010, and whose level and style of fenestration is considerably more domestic.

Although the proposed occupants of the annex would have familial ties with the applicant, the internal layout of the building reveals it to have all the facilities of an independent dwelling and there would be no need for the occupants to rely on any of the facilities in the main house. Furthermore the seemingly superfluous second garage within the building (not deep enough to accommodate a car) could readily be subsumed into an even larger residential unit.

Whilst it would be open to the local planning authority to condition any approval to be occupied in an incidental manner to the main house, the scale of the building and the proposed level of facilities are such that the building lends itself to independent occupation. Furthermore, the local planning authority would be likely to come under pressure to remove any such condition in the future when the personal family circumstances of the applicant have changed and there is no longer any need to provide a "granny flat".

The agent cites case law in the form of Uttlesford DC v SoSE & White from 1992 in support of the application. This concerned an instance where an attached garage had been converted to a granny annex with full facilities. The courts held that no material change of use had occurred and the fact that the elderly occupier of the annex had living facilities that enabled her to live independently from the rest of the family did not amount to the creation of a separate planning unit that required permission. However the current proposal involves a detached new build structure and officers consider that it would involve the creation of a separate planning unit. Although the Uttlesford case establishes the potential to convert existing outbuildings to provide annex accommodation to the main dwelling, it did not involve the creation of what could really become an independent dwelling.

Officers conclude that the proposed building, which would have two bedrooms and all domestic facilities, is tantamount to the creation of a new dwelling within the open countryside. As such the proposal does not accord with long standing national and local countryside policies expressed in Kennet Local Plan policy HC26 and in central government planning policy contained in PPS7.

Planning permission has previously been granted for a garage/workshop building without first floor accommodation (ref. E/09/1289/FUL). This building measured 13.3m by 12.0m and displayed simple fenestration, presenting a blank elevation to the main road to minimise visual impact. On balance it was considered that the proposal would not materially harm the setting of the World Heritage Site or the scenic quality of the AONB.

Although the current proposal maintains the same elevation to the road as previously approved, its rear projecting wing is 5.0m longer and its fenestration is more dominant and more domestic in character. A building of this size is considered to be an overdevelopment of the site, being 5.5m longer than the widest section of the main house. Notwithstanding the blank elevation to the main road, it is considered

that a building of this size and design in this sensitive countryside location would be detrimental to the setting of the World Heritage Site and to the scenic quality of the AONB.

10. Conclusion

The proposed building, measuring 17m by 13.3m long and with two bedrooms and all domestic facilities, is tantamount to the creation of a new dwelling within the open countryside. This would be contrary to long standing national and local countryside planning policies. In addition, the proposal, by virtue of its size, design and location, would also be detrimental to the setting of the Avebury World Heritage Site, with the scale and appearance of a dwelling, and to the visual amenity of the North Wessex Downs AONB. It is therefore recommended that planning permission is refused.

RECOMMENDATION

That planning permission is refused for the following reason:

The proposed building, measuring 17m by 13.3m long and with two bedrooms and all domestic facilities, is tantamount to the creation of a new dwelling within the open countryside, and has the bulk, scale and appearance of a dwelling. In this location, it would be detrimental to the appearance of the North Wessex Downs AONB and to the setting of the Avebury World Heritage Site. As such the proposal does not accord with long standing local and national countryside policies expressed in Kennet Local Plan policy HC26 and in central government planning policy contained in PPS7. The proposal is also contrary to Kennet Local Plan policies PD1 and HH3 and to central government planning policy contained in PPS5.