

## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	25 <sup>th</sup> June 2020
<b>Application Number</b>	20/01543/FUL
<b>Site Address</b>	Glen Esk, Rollestone Road, Shrewton, SP3 4HG
<b>Proposal</b>	Detached annexe ancillary to the main dwelling
<b>Applicant</b>	Mr Searson
<b>Town/Parish Council</b>	Shrewton
<b>Ward</b>	Till & Wylve Valley
<b>Grid Ref</b>	407,051 - 143,234
<b>Type of application</b>	Householder
<b>Case Officer</b>	James Repper

### Reason for the application being considered by Committee

Councillor Kevin Daley has called the application to committee for the following reasons:

- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Overshadowing

### 1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission should be APPROVED subject to conditions.

### 2. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

- Principle of development
- Scale, design, impact to character and appearance of the area
- Residential amenity/living conditions

The application has generated Objection from Shrewton Parish Council and 6 letters of representation.

### 3. Site Description

The application site is a semi-detached thatched residential dwelling, built circa 1930, accessed via a private unmade road serving a residential area within the settlement boundary of the large village of Shrewton, as defined by Wiltshire Core Strategy (WCS) core policies 1 (Settlement Boundary), 2 (Delivery Strategy) and 4 (Spatial Strategy for the Amesbury Community Area). The site is surrounded by other residential properties and their amenity/parking provision, some of which have been subject to alterations and or extensions over time. There are no designated heritage assets/listed buildings in the immediate vicinity. The application site has a slightly unusual residential curtilage which is not of a uniform shape.



#### **4. The Proposal**

This is a householder application proposing the installation of a purpose-built outbuilding to serve as an ancillary annexe to the main house. The annexe is to provide accommodation for the applicant's mother who acts as a childminder to the applicant's children but also has some medical issues to wit living in close proximity to her family would be advantageous.

#### **5. Local Planning Policy**

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guidance (Planning practice guidance for beautiful, enduring and successful places) 2019

##### **Wiltshire Core Strategy:**

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP4 (Spatial Strategy for the Amesbury Community Area)

CP57 (Ensuring High Quality Design & Space Shaping)

##### **Supplementary Planning Documents:**

Creating Places Design Guide SPG (April 2006)

#### **6. Summary of consultation responses**

##### **Parish Council: Object**

- This application has been described as a Granny Annexe, these are normally within or built onto a house so a resident can live independently but have support nearby. This building is located at the end of the garden and screened from the main house by hedges.
- The location of the proposed annexe will directly overlook the rear gardens of 2 properties in Meadway and have a significant detrimental impact on them in terms of light, privacy and be an imposing new structure in direct view. (for example, the double doors at the front look directly into the garden of 'Beeches').
- Concerns in the longer term the use of the building will as overnight letting accommodation (e.g. Airbnb, holiday let) which may cause even greater loss of privacy and noise issues for the neighbouring properties.
- Concerns regarding limited access to and from the annexe to the road.

#### **7. Publicity**

This application was advertised through the use of a site notice, press notice and letters of consultation.

Six letters of representation were received from the residents of 26, 24 and 22 Medway, Beeches Rolleston Road and Pentlands and Chanters of The Hollow all within Shrewton. The following comments were made:

- Overlooking and light pollution from the detailed rear window over numbers 22,24 & 26 Medway
- The proposed location of the annexe at the rear of the properties curtilage is contrary to the definition of an annexe
- There is limited road access to the Annexe
- There is sufficient road access to raise concerns of the annexe being separated from the host dwellings title
- The residential use of the annexe would lead to both noise and odour pollution
- The proximity of the Annexe to the boundaries presents a fire risk
- Unacceptable visual impact on surrounding properties

- The living area's glazed doors have the potential, due to location, to overlook the rear amenity space of Beeches
- The size of the proposed annexe is too large for the area into which it is to be placed
- The plans state "Scale not for construction" therefore, these plans are not acceptable and accurate scale plans should be submitted
- The overshadowing created by the proposals would be contrary to the Prescription Act (1832) and, therefore, due to the occupant of 26 Medway's prescribed rights, having lived in the property for "over 30 years and having enjoyed natural daylight to my conservatory for at least 20 uninterrupted years" the development can be forbidden as it would prevent this natural light.

## **8. Planning Considerations**

### **8.1 Principle:**

The site is located upon a residential road of mixed form housing within the settlement boundary of the large village of Shrewton, part of the Amesbury Community Area. WCS policies 1 and 4 set out a settlement and spatial strategy stating that the principle of development in large villages is considered acceptable but is limited to that needed to help meet the housing needs of the settlement. This principle acceptability is however subject to the detail, such as its implications for the character of the area; and neighbouring amenities. These will, therefore, be addressed in more detail below.

### **8.2 Character & Design**

Core Policy 57 states that new development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Residential extensions such as this are acceptable in principle subject to there being no adverse impacts.

Good design helps to provide a sense of place, creates or reinforces local distinctiveness, and promotes community cohesiveness and social wellbeing; The layout and design of new developments must also be based on a thorough understanding of the site itself and its wider context, and seek to maximise the benefits of the site's characteristics. This will require careful consideration of the site layout. No two sites share the same landscapes, contours, relationship with surrounding buildings, street pattern and features. The proximity of poor quality or indistinct development is not a justification for standard or poor design solutions. New development should integrate into its surroundings whilst seeking to enhance the overall character of the locality; A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings.

In this instance, it is considered that the proposed works are relatively minor in scale and will be a single storey construction under a sloped roof varying in height from 2.8m at its lowest, by the rearmost boundary, rising to 3.1m over the full depth of the roof of approximately 5m (including the overhang). The main external finishes to the proposals are timber cladding and an EPDM membrane roof. The proposals are located to the rear of the application sites curtilage within an area ringed on 3 sides with beech trees. These trees, and the reasonable distance involved, obscure the site from the street scene. The rear boundary, however, is not screened by foliage and merely has a wall and fence combination which measures 2.13m in height. Including the overhang, the proposal will be no closer than 1m from these boundaries, therefore, if looking over the fence at 2.13m a total of 67cm will be visible above the fence. Given the separation from the boundary and the limited height of the proposals it is considered that this cannot be considered unduly overbearing or dominating. Were this proposal to only have a 2.5m maximum height it would qualify as permitted development under the general permitted development order (GPDO). The area is made up of a huge variety of mixed form development with a similar variety of outbuildings and additions made to nearby

properties. Overall it is therefore considered that the proposal for an outbuilding is of an acceptable design for the character of the host dwelling, would have no effect on the street scene and is not out of character for the surrounding area.

Fig 3



### 8.3 Neighbouring Amenity

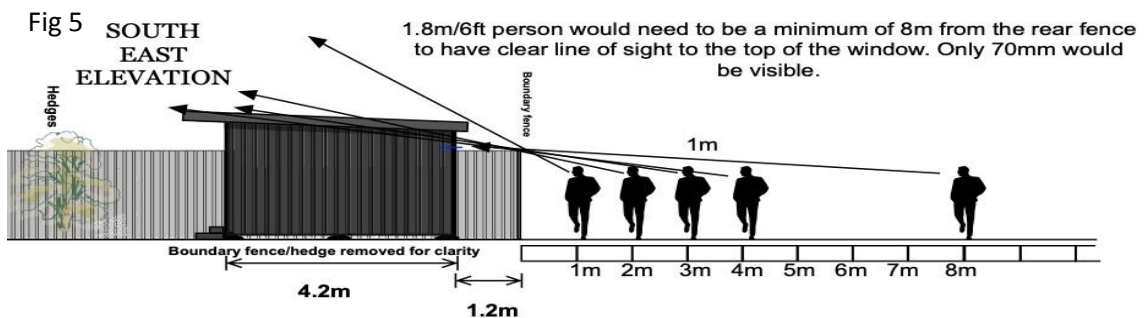
WCS policy CP57 requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and ensuring that appropriate levels of amenity are achievable within the development itself. The NPPF includes that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens and this, therefore, needs to be carefully considered accordingly.

The proposal does have, in the rear elevation, a single-window facing neighbouring property, it is, however, considered that this proposed window will serve the annexe's shower room and as such will be obscure glazed and fixed shut other than a ventilation section limited with a stay. In the below Fig 4 the window can be seen just above the revised plans which include the scaled fence. If we take into account the very limited amount of window above the fence line and combine that with the facts it will be obscurely glazed, limited in its opening and serves a shower room it is not considered that any real sense of overlooking or loss of privacy could be inflicted upon the occupiers of neighbouring amenity land.

Fig 4

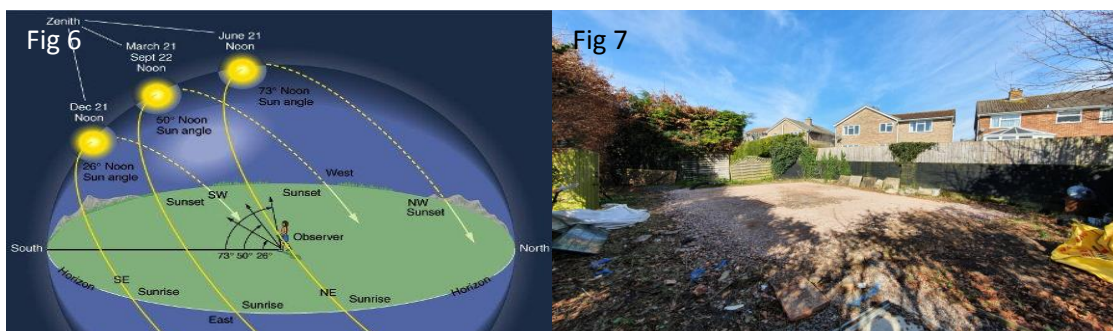


Fig 5

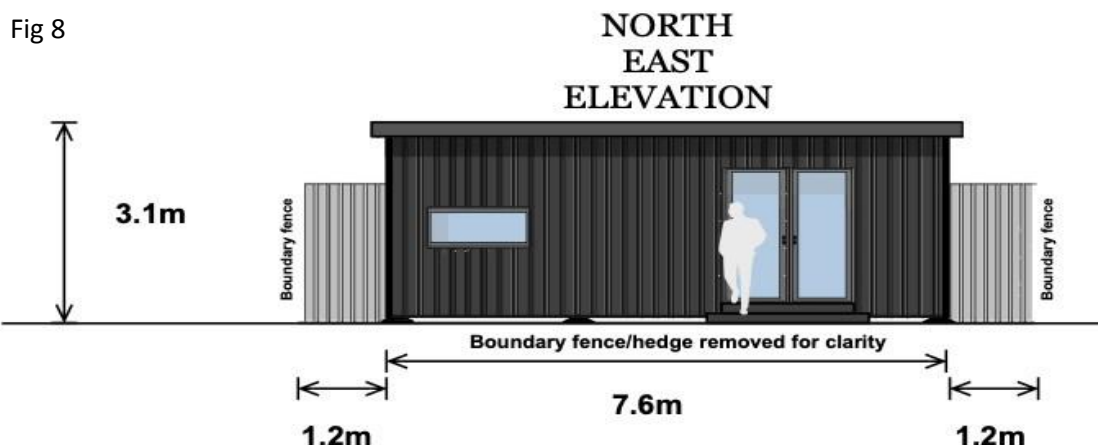


Concerns have been raised by respondents to the overshadowing of amenity space. Measuring the angle between the fence to the rear and the rearmost point of the roof on the plans gives us an answer fractionally over  $39^\circ$  which corresponds with the sun's zenith after the 21<sup>st</sup> December ( $26^\circ$ ) but before the 21<sup>st</sup> March and 22<sup>nd</sup> September ( $50^\circ$ ) in the northern hemisphere (see Fig 6) so whilst in winter the proposal would cause a level of shadow fall onto neighbouring amenity it is considered that this overshadowing would be minimal. The existing Beech hedge is approximately 4m tall (see Fig 7) and it is considered that in the depths of winter this Beech hedge would, in all likelihood, overshadow the proposed annexe eliminating any shadowing from the annexe. Therefore, it must be concluded that the level of overshadowing would not constitute sufficient harm to warrant refusal.

The occupant of 26 Medway has cited the Prescription Act of 1832 which does state "When the access and use of light to and for any dwelling house, workshop, or other building shall have been actually enjoyed therewith for the full period of twenty years without interruption, the right thereto shall be deemed absolute and indefeasible, any local usage or custom to the contrary notwithstanding, unless it shall appear that the same was enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing." In particular relation to the conservatory in situ "for at least 20 uninterrupted years" Whilst the Prescription Act does grant an absolute and indefeasible right in this instance it is considered to not apply as the shadow produced would not interrupt light to the conservatory to a sufficient degree. The right to light is not a planning concern but a separate legal matter, once the right to act was established then occupier of 26 Medway is entitled to "sufficient light according to the ordinary notions of mankind" whilst this is a term open to legal wrangle in this instance it is considered that the prescription act would not be a reason to stop this proposal from proceeding.



Concerns have also been raised regarding the double glazed doors into the proposed annexe as they would potentially allow views into the rear amenity space of Beeches however it is considered that as these double doors are at ground level they would not offer far-reaching views into the Beeches garden and could easily be blocked by foliage or a standard fence panel and would, therefore, be insufficient grounds to warrant refusal.



#### 8.4 Other Matters Raised

Concerns have been raised by several parties which state that the proposals do not constitute an annexe as an annexe should be attached or near to the host dwelling. Whilst this was the policy in Planning Policy Statement 7 Sustainable development in rural areas (PPS7), PPS7 was policy last amended in 2004 and has since been superseded by other policies notably the National Planning Policy Framework and multiple revisions of the GPDO these revised policies have removed the guidance that an annexe should be attached or close to the host dwelling. Regarding the separating of the annexe from the title of Glen Esk or for the annexe being used commercially, any planning permission granted in this application is for residential purposes ancillary to Glen Esk, a condition will be included preventing the annexe from being removed from Glen Esk's title and any such land sale would remove the Annexe's permission to exit. Any attempt to use the annexe commercially would require a further change of use application as this application has not sought commercial status. Several respondents have mentioned the risk of a fire and that of noise and odour, these issues are subject to separate legislation other than planning, relating to it being a fire hazard so close to the boundary, building control stipulates a distance of 1 metre from boundaries in applications such as these. As shown in the plans the walls of the proposed annexe will be 1.2m away from the closest boundaries and are, therefore, not in breach of those regulations. One of the respondents wrote of backland development needing to be 20m from another property, I have been unable to find any legislation which would suggest this is the case and, furthermore, if this was the case most modern developments would be in breach of this policy. Light pollution was raised as a concern from several respondents, specifically relating to the rear shower room window. It is not considered that this small window would create an undue level of light pollution especially when it is a non-principle room with obscure glazing. Finally, a respondent commented on the plans not being to scale as they should not be used for construction. This is as plans to satisfy building regulations need to be of greater detail than those of planning, the plans supplied were to a sufficient scale to satisfy the requirements of Wiltshire Councils validation checklist.

#### 9. Conclusion:

Throughout the application process, the concerns raised by the immediate neighbours and by those from other parts of the village, have been considered and it is concluded that the proposals would be of an acceptable overall scale and design for the character of the application site and surrounding area. Similarly, due to the limited height, mass and scale, it is considered that the proposals would be unlikely to have a significantly detrimental effect on the amenities enjoyed by the occupiers of adjacent dwellings.

#### RECOMMENDATION:

Approve subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Application Form & Certificate	Received 25 <sup>th</sup> February 2020
Revised Proposed Elevations DWG 38/EL	Received 20 <sup>th</sup> April 2020
Block Plan	Received 25 <sup>th</sup> February 2020
Floor Plans DWG 38/FP	Received 25 <sup>th</sup> February 2020

REASON: For the avoidance of doubt and in the interests of proper planning

3. OBSCURE GLAZING

Before the development hereby permitted is first brought into use the window in the Rear elevation (serving the shower room) shall be glazed with obscure glass and be top opening only. The window shall be maintained as such in perpetuity.

REASON: In the interests of residential amenity and privacy.

4. The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as Glen Esk and it shall remain within the same planning unit as the main dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.