

# REGULATORY SERVICES COMMITTEE

4 October 2012

# REPORT

**Subject Heading:**

**P0670.12 – 1 Franks Cottages, St Marys Lane, Upminster**

**Conversion of the garage to create an annexe (Application received 28<sup>th</sup> May 2012)**

**Report Author and contact details:**

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**Policy context:**

**Local Development Framework**

**Financial summary:**

**None**

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	[ ]
Championing education and learning for all	[ ]
Providing economic, social and cultural activity in thriving towns and villages	[ ]
Valuing and enhancing the lives of our residents	[x]
Delivering high customer satisfaction and a stable council tax	[ ]

## SUMMARY

This report is for the conversion of a double garage to create an annexe. A legal agreement is required to ensure that the annexe shall be used only for living accommodation ancillary to the existing dwelling known as 1 Franks Cottages, Upminster, and shall not be used as a separate unit of residential accommodation at

any time. Staff consider that the proposal would accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document. It is recommended that planning permission be granted subject to conditions and a Section 106 Agreement.

## RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- The annexe shall remain ancillary to the main dwelling - No. 1 Franks Cottages.
- The annexe not to be let, leased, transferred or otherwise alienated separately from the original property and land comprising No. 1 Franks Cottages.
- The Developer/Owner to pay the Council's reasonable legal costs associated with the agreement prior to the completion of the agreement irrespective of whether the agreement is completed.
- The Developer/Owner to pay the appropriate planning obligation/s monitoring fee prior to completion of the agreement.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

1. Time limit - The development hereby permitted shall not be commenced later than three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Materials – All new external finishes shall be carried out in materials to match those of the existing building(s), namely yellow stock brickwork and white UPVC windows, to the satisfaction of the Local Planning Authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

3. Accordance with plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason: The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC61.

4. Subdivision of garden - The garden area shown on the approved drawing No. 2012/04/09 shall not be subdivided at any time.

Reason: In order that the annex approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

5. Removal of permitted development rights - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, Article 3, Schedule 2, Part 2, Class A no gates, walls or enclosures shall be erected, constructed or altered within the site known as No. 1 Franks Cottages (including the annex) unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In order that the annex approved remains ancillary to the main dwelling and that the development accords with Policy DC61 of the Development Control Policies Development Plan Document.

## INFORMATIVES

### 1. Reason for Approval

The proposal is considered to be in accordance with Policies DC33, DC45 and DC61 of the Local Development Framework Core Strategy and Development Control Policies Development Plan Document as well as the Supplementary Planning Document (SPD) for Residential Design. The proposal is also considered to be in accordance with the provisions of Policies 7.4 (local character) and 7.16 (Green Belt) of the London Plan, and the provisions of the National Planning Policy Framework.

2. The developer is advised that if construction materials are proposed to be kept on the highway during construction works then they will need to apply for a license from the Council.

### Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

## REPORT DETAIL

### 1. **Site Description:**

- 1.1 The application site is located on the northern side of St Mary's Lane, Upminster. The site is presently occupied by a two storey semi-detached building, which adjoins a double garage with bedrooms in the roof. Youngs Farm is located to the west of the site. There are two storey semi-detached properties and Cranham Golf Course located to the east and south of the site respectively. The site is located within Metropolitan Green Belt.

### 2. **Description of development:**

- 2.1 The application seeks permission for a conversion of the double garage to create an annexe, which comprises of a study/sitting room. The first floor of the garage is already providing two bedrooms. Following a site visit, it is noted that the internal works have been undertaken, although the external works have not commenced. Externally, the proposal involves removing two pairs of garage doors with windows. There is an existing lobby in between the garage and the dwelling, which would provide access to the annexe.

### 3. **Relevant History:**

- 3.1 P1403.06 – Replacement of existing detached garage with new linked garage with bedrooms in the roof including side dormer windows – Approved.

P2140.03 – Replacement of existing detached garage with new detached double garage – Withdrawn.

P1409.03 – Replacement of existing outbuilding – laundry/utility room and garden store – Approved.

P0810.92 – First floor rear extension – Approved.

### 4. **Consultations/Representations:**

- 4.1 The application has been advertised in a local newspaper and by way of a site notice as a departure from Green Belt policies. The occupiers of 9 neighbouring properties were notified of this proposal. No representations were received.

4.2 As the development still maintains the required standard of parking after the conversion of the garage to a study/sitting room – the Highway Authority has no objections to the proposals.

## 5. **Staff Comments:**

5.1 Policies DC33 (Car Parking), DC45 (Green Belt) and DC61 (Urban Design) of the LDF Core Strategy and Development Control Policies Development Plan Document are considered material together with the Design for Living Residential Design Supplementary Planning Document. Policies 7.4 (local character) and 7.16 (Green Belt) of the London Plan as well as Policies 7 (Requiring good design) and 9 (Protecting Green Belt land) of the National Planning Policy Framework are relevant.

5.2 The main issues in this case are the principle of the conversion, the impact on the Metropolitan Green Belt and the streetscene, the amenity of neighbouring occupiers and highway and parking provision.

### 5.2 **Principle of the Conversion**

5.2.1 The application site lies within Metropolitan Green Belt. The proposal is a conversion of the garage to create an annexe. Policy 9 of the National Planning Policy Framework (NPPF) states that the extension or alteration of a building is not inappropriate development provided that it does not result in disproportionate additions over and above the size of the original building. Policy DC45 states that particular care will be taken to ensure that the proposed use (including the use of any adjoining land) does not have a greater impact on the openness of the Green Belt.

5.2.2 It is considered that the conversion compiles with the above criteria contained in the LDF and NPPF. Furthermore, it is Staff's view that replacing two pairs of garage doors with windows and brickwork would be sympathetic to the character and appearance of the building.

5.2.3 It is considered that the proposed conversion of the garage to create an annexe would not affect the open character and appearance of the Green Belt. The NPPF states that the re-use of buildings is not inappropriate in the Green Belt provided that the buildings are of permanent and substantial construction. The proposal is in accordance with this and the proposal therefore involves the re-use of an existing building in a manner which accords with guidance in the LDF and NPPF.

### 5.3 **Design/impact on street/Garden scene**

5.3.1 From a design point of view, no objection is raised to the conversion of the garage. It is considered that replacing two pairs of garage doors with windows and brickwork would integrate satisfactorily to the existing building and the streetscene.

## **5.4 Impact on amenity**

- 5.4.1 It is considered that the conversion of the garage to an annexe would not result in an adverse impact to neighbouring properties, particularly as it would remain ancillary to the original property. A Section 106 agreement is however considered necessary to ensure that this remains the case, to prevent harm to amenity. Consideration has been given to the fact that the garage is located approximately 8 metres from the nearest residential property at No. 2 Franks Cottages. The annexe would utilise the existing access and therefore, it is considered that the conversion would not result in a significant loss of amenity to adjacent occupiers. It is considered that there would not be any adverse impact upon Youngs Farm or Cranham Golf course.

## **5.5 Highway/parking issues**

- 5.5.1 The proposal involves the conversion of the double garage to create an annexe. There is space for four to five vehicles on hardstanding, which is sufficient. The Council's Highway Authority has no objection to the proposal and it is considered that the proposal would not create any parking or highway issues. The annexe would utilise the refuse and recycling storage provision of the main dwelling.

## **6. The Mayor's Community Infrastructure Levy**

- 6.1 The proposal comprises conversion of the garage to create an annexe, which will remain ancillary to the main dwelling and does not involve the creation of additional floor space and as such, is not liable for Mayoral CIL.

## **7. Conclusion**

- 7.1 It is considered that the principle of the conversion and the re-use of the existing garage are acceptable, as it is in accordance with Policy DC45 and the National Planning Policy Framework. It is considered that the proposed conversion of the garage to create an annexe would not affect the open character and appearance of the Green Belt, as it involves the re-use of an existing building and by reason of its siting, it is considered that the proposal would not result in a significant loss of amenity to adjacent occupiers. The proposal would not create any highway issues. For the reasons mentioned in this report, it is considered that planning permission should be granted, subject to conditions and a Section 106 Agreement that ensures that the annexe remains ancillary to the main dwelling.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

None.

### **Legal implications and risks:**

Legal resources will be required for the drafting of a legal agreement.

### **Human Resources implications and risks:**

None.

### **Equalities implications and risks:**

The Council's planning policies are implemented with regard to Equalities and Diversity.

## BACKGROUND PAPERS

Application forms and plans received 28/5/2012.

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.