



## Planning Advisory Panel 5 May 2020

### Delegated Report

**Application no** DC/20/1212/FUL

**Location**

164 Bell Lane  
Kesgrave  
Suffolk  
IP5 1NA

**Expiry date** 11 May 2020

**Application type** Full Application

**Applicant** Natasha Smith

**Parish** Kesgrave

**Proposal** A detached garden annexe, ancillary to the main dwelling, to the rear of property for an elderly relative.

**Case Officer** Bethany Rance

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### Summary

The application is before the planning advisory panel because while there is considered no significant public interest; or significant impact that requires direct referral to Members; and the applicant or landowner is not East Suffolk Council; the applicant, or agent, is not an East Suffolk Councillor or an East Suffolk Council employee, or close relative of a Councillor or employer, the 'minded to' decision of the Planning Officer is contrary to comments received from Kesgrave Town Council and hence the requirement to undertake the committee referral process.

The application proposes a detached annexe, ancillary to the main dwelling, to the rear of property for an elderly relative.

This application is recommended for approval.

Case for Development: This application is a resubmission of a previously withdrawn scheme (DC/19/4888/FUL) which was not considered compliant with policy DM6, withdrawn January 2020. This revised scheme for an annexe meets the policy criteria set out by policy DM6 -

Residential Annexes; it is well-related to the existing dwelling in terms of scale and size. Conditions will be applied to limit its occupation to prevent future use as a separate dwelling. The proposal would not cause significant harm to the residential amenity of neighbouring/adjoining properties regarding overlooking, access to daylight, or loss of privacy, thereby complying with Policy DM23 - Residential Amenity. It is acceptable in terms of design, and therefore complies with Policy DM21 - Design.

### **Site description**

The site comprises a detached chalet bungalow on the eastern side of Bell Lane, set in a long plot with substantial rear garden. To the front, the site is bounded by a low red brick boundary wall to the western and northern boundary, and vegetation to the southern boundary. The rear garden is bounded by 1.8m close boarded fencing.

The existing dwelling is cream render and red brick with clay pantiles and three velux windows on the front (western) elevation. The property is separated from the road by a pedestrian footpath, and the dwelling sits back approximately 13m from the path. The space in front of the dwelling is concrete hardstanding, used for parking and turning. There is a driveway down the southern boundary of the plot and a detached single garage set slightly behind the dwelling to the southern side.

The surrounding area is comprised of a mix of bungalows, chalet bungalows, and detached/semi-detached two-storey residential dwellings. The east side of Bell Lane is characterised by detached residential dwellings with deep rear gardens. Several dwellings have been extended and altered over time and there are numerous examples both in the immediate and wider locality of modest bungalows either being extended to one-and-a-half storeys; or replaced with larger dwellings.

No. 160 Bell Lane (2 doors to the north of the application site) has a rear annexe approved under C/08/0921; erection of a single storey extension to provide annexe.

### **Proposal**

The application proposes a detached annexe, ancillary to the main dwelling, to the rear of property for an elderly relative. The annexe is set back approximately 19m from the main dwelling, approximately 1m from the northern boundary, 6m from the southern boundary, and 16m from the western (rear) boundary of the plot. It would have an overall height of approximately 2.9m and measures approximately 12 x 5m.

The annexe contains one double bedroom, bathroom, additional toilet, and an open kitchen/diner/lounge space. Patio doors and a single door are proposed on the front elevation. A small window serving the bathroom is proposed on the rear elevation. A window is proposed on the side (west) elevation. No fenestration is proposed on the side (east) elevation. Proposed materials are Structurally Insulated Panel (SIP) construction with cedar lap fibre cement cladding, in grey, with seamless rubber flat roof and gravel topcoat, PVC windows and doors in anthracite grey.

This application is a revised scheme, resubmitted following withdrawal of DC/19/4888/FUL in January 2020. The original annexe measured approximately 13m by 6.8m, configured in a loose 'L' shape. It had a similar footprint to that of the main dwelling. The original scheme proposed two bedrooms and two toilets in addition to other rooms, and it was considered the building would

provide a significant degree of accommodation, particularly compared to the main house. As such, it was considered the original level of accommodation provided could not be supported by policy. Following informal discussions with the agent, the scheme was revised to reduce the level of accommodation to meet the criteria of policy DM6. The revised scheme represents a reduction of around 25% of floorspace from the original scheme.

### **Consultations/comments**

No third party representations received

### **Consultees**

#### **Parish/Town Council**

Consultee	Date consulted	Date reply received
Kesgrave Town Council	19 March 2020	3 April 2020
Summary of comments: "Refuse - Voting was unanimous. The Committee believe this is not an annex but a separate dwelling and as such is contrary to policy DM6."		

### **Publicity**

None

### **Site notices**

General Site Notice

Reason for site notice: General Site Notice

Date posted: 23 March 2020

Expiry date: 15 April 2020

### **Planning policy**

National Planning Policy Framework

DM6 - Residential Annexes (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

### **Planning considerations**

Planning History: The dwelling has been extended; C/10/2574 consented erection of single-storey rear extension.

Relevant planning policies are DM6 (Residential Annexes), DM21 (Design: Aesthetics) and DM23 (Residential Amenity), supplemented by the guidance in SPG16: House Alterations and Extensions.

#### Annexes (Policy DM6):

Policy DM6 (Residential Annexes) allows for the creation of self-contained annexe accommodation in order to accommodate an elderly/disabled dependent in the form of a new building within the curtilage where it is well-related to the existing dwelling, when there is no significant adverse effect on residential or visual amenity, with conditions applied to limit occupation to prevent future use as a separate dwelling.

There is an additional criterion regarding the impact on the landscape but Policy DM6 states this is only relevant to sites within the countryside, the application site however lies within the physical limits of Kesgrave.

It is important for the local authority to ensure that if approved there is not pressure for the subdivision of the annexe away from the main house at a later date. To ensure the annexe remains small in scale and to reduce the risk of future pressure to subdivide the property it is expected that annexes only provide minimal accommodation, on the basis that the occupants of the annexe share some facilities with the main house.

The proposed annexe has a much lower level of facilities and lesser accommodation provided than is provided by the host dwelling. There will be a degree of reliance of the annexe on the main dwelling for amenities. Given the reduced level of facilities and accommodation provided in the annexe from the original application, it is not considered the annexe is comparable in terms of function to a separate dwelling. It is not considered to represent a separate and independent dwelling. The layout reads as an annex and the size is relatively modest compared to the host dwelling and the size of the site.

The east-west orientation of the annexe and position of the annexe near the northern boundary means the annexe reads as an ancillary dwelling within the curtilage of no. 164, not challenging it as a separate and equal dwelling with similarly sized garden amenity areas. A north-south orientation would read more like potential subdivision of the plot into two separate plots.

No. 160 Bell Lane (2 doors to the north of the application site) has a rear annexe approved under C/08/0921; erection of a single storey extension to provide annexe. The annexe is of similar size to the one this application proposes, though no. 160's annexe was built as an extension and not a new building.

Conditions will be applied to limit its occupation to prevent future use as a separate dwelling. Therefore, the proposal is considered to meet the considerations set out in policy DM6.

#### Design (Policy DM21):

Policy DM21 sets out that proposals that comprise poor visual design and layout, or otherwise seriously detract from the character of their surroundings will not be permitted, and they should relate well to the scale and character of their surroundings particularly in terms of their siting, height, massing and form.

The proposed materials are different to those of the main dwelling. Cedar lap cement cladding panels with a flat roof differentiate the annexe from the main dwelling, and ensure the annexe reads as an addition, not dissimilar to an outbuilding. The design of the annexe includes a flat roof which ensures it appears visually recessive to the main dwelling. The plot is of sufficient size to accommodate the proposed annexe and retain sufficient amenity space for the occupants of the main dwelling, and of the annexe.

Given the position of the annexe to the rear of the dwelling and its single-storey nature, the proposal would not be at all visible in the streetscene and as such has no impact on the character/appearance of the area.

The overall appearance and design of the proposed annexe is considered acceptable. The annexe is of appropriate size and scale to read as an ancillary dwelling, subservient to the main dwelling. By virtue of its modest scale and design, it is considered the annexe is well-related to the existing dwelling and does not challenge it or dominate the amenity space of the plot.

The size, scale, and form of the annexe ensure it clearly reads as additional accommodation to the main dwelling, with the lower level of accommodation and facilities provided in the annexe ensure some degree of reliance on the amenities of the main dwelling.

**Residential Amenity (Policy DM23):**

Policy DM23 requires consideration of the impact of the development on the amenities of adjoining properties, including privacy/overlooking, outlook, access to daylight/sunlight, and the resulting physical relationship with other properties. Residential annexes to allow for the care of parents/other family members generally have reduced standards of privacy, parking and amenity space than normal dwellings and pose few problems.

The boundary treatments of the rear garden are close boarded fencing, which will somewhat screen the annexe from the neighbouring properties. Given the setback of the annexe from the main dwelling and the distance to the rear elevations of the neighbouring properties, it is not considered the proposal will cause significant harm to adjoining neighbours amenity in terms of loss of privacy, loss of light or overbearing impact, given its distance from their rear elevations and its single storey scale.

The annexe would reduce the area of amenity space available to the main dwelling, but the ample size of the plot means sufficient amenity space is retained to serve both the main and ancillary dwellings. The annexe has no associated parking attached and would be reliant on the parking area of the main dwelling, if necessary. Given the nature of this proposal as ancillary accommodation to the existing dwelling the existing access arrangements are considered satisfactory.

It is believed that the annex would not harm any neighbour's residential amenity and therefore complies with DM23.

## **Conclusion**

There have been no comments from neighbours or ward members. Kesgrave Town Council objected to the application on policy grounds.

In accordance with policy DM6, the erection of new ancillary buildings will only be permitted where they are small in scale, well related to the main dwelling and cause no detriment to residential or visual amenity. It is considered the annexe meets these criteria. The annexe is acceptable in terms of its design and impact on residential amenity, therefore the application is considered to comply with policies DM21 and DM23.

Therefore, on balance, the application is recommended for approval, with conditions to limit the use of the annexe and meet the policy criteria of DM6.

### **Recommendation**

The application is recommended for approval with conditions.

### **Conditions:**

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be completed in all respects strictly in accordance with;
  - Site plan,
  - Block Plan,
  - Proposed garden annexe floor plan,
  - Proposed garden annexe front elevation,
  - Proposed garden annexe rear elevation,
  - Proposed garden annexe side A elevation,
  - Proposed garden annexe side B elevation,

received 17 March 2020; for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity

4. The development hereby permitted annexe shall not be occupied or let as a separate dwelling but shall be used only for purposes incidental to the use of the dwellinghouse to which it relates or for occupation by a relative or parent of the householder or his/her spouse.

Reason: The development is not such that the local planning authority would be prepared to approve as a separate dwellinghouse in its own right.

### **Informatives:**

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail , your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to [CIL@eastsuffolk.gov.uk](mailto:CIL@eastsuffolk.gov.uk)

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

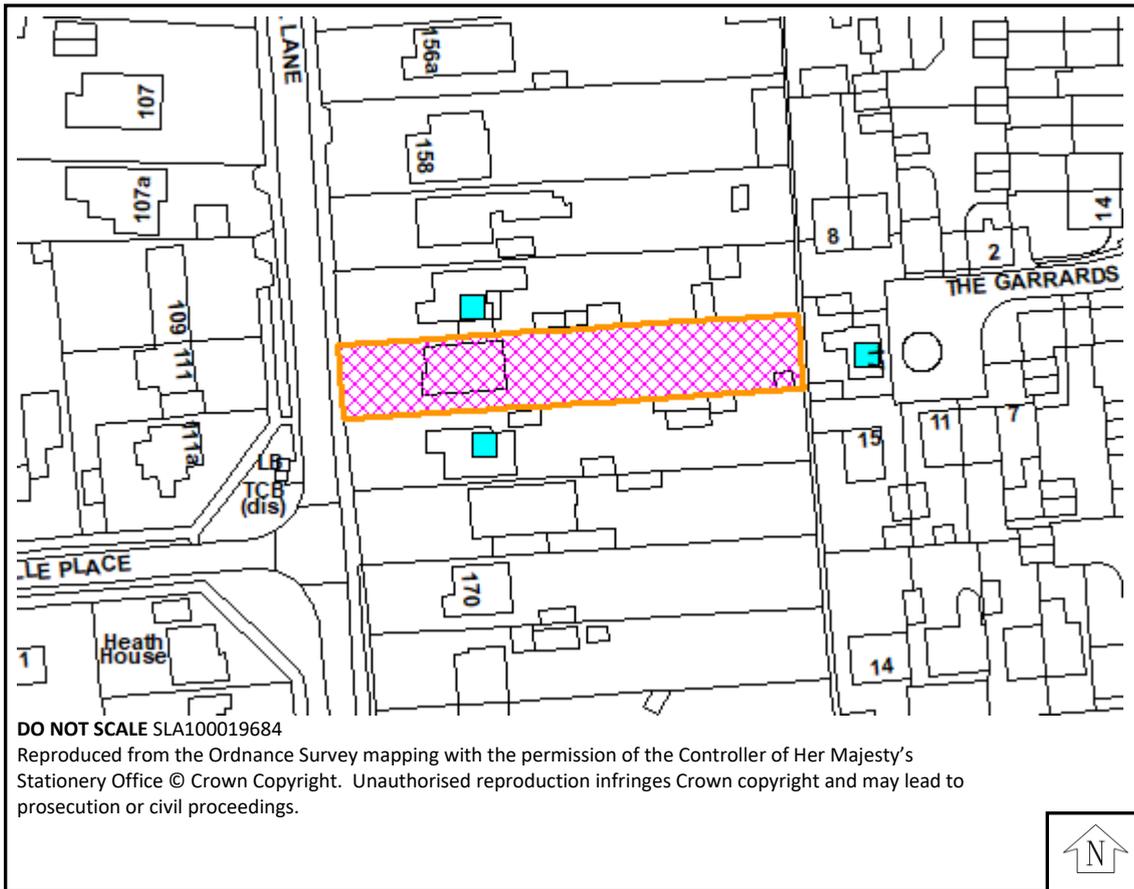
[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

### **Background information**

See application reference DC/20/1212/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q7C515QX07400>

# Map



## Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support