HOUSEHOLDER PLANNING APPLICATION REPORT Ref No. F/13/72319

DESCRIPTION	Single storey side extension to create attached annexe
ADDRESS	35 Tresillian Gardens West End Southampton SO18 3NQ

SITE VISIT DATE	24/4/13
ARE PLANS ACCURATE?	Yes
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	The single storey extension measures 4.75m(w) 8.2m(d) by 3.5m(h) and accommodates a sitting room, bed room and shower room. The extension will be used as an annexe for an elderly relative and will be accessed from the main dwelling.
TOPOGRAPHY	Slight step up from dwelling to rear garden
TREES	None of significant amenity value
BOUNDARY TREATMENT	2m high wall around rear garden
SITE CHARACTERISTICS	Two storey detached house with attached garage/ office at the side.
CHARACTER OF LOCALITY	Residential. There is a mixture of various style detached, semi detached and terraced properties in the locality.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
None		

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
None	

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
West End Parish Council	No response
Engineering & Transportation	No objection - subject to confirmation on parking and conditions being applied. As the dwelling with annexe is considered as one dwelling, essentially the property is becoming a 4+ bed. As such, in line with the EBC Parking Standards, a minimum of 3 vehicle parking spaces is required. There appears space to convert some front garden to achieve this, however

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	condition E03 should be put in place to ensure the work is done to implement these. Additionally, again in regard to parking requirements, the Annexe should not become a separate unit - at which point a minimum of 4 parking spaces would be required. To ensure it does not become a separate unit, Condition C04 or C05 (whichever is more appropriate) should be applied to any permission. In regard to transport Developer Contributions, none are required as the proposals are for a residential extension -unless the unit is considered separate. If the unit is considered separate, then DC's will be required.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area

DEVELOPMENT PLAN SAVED POLICIES, EMERGING LOCAL PLAN POLICIES AND SPD'S

Eastleigh Borough Local Plan Review (2001-2011): 59.BE
Pre submission Eastleigh Borough Local Plan 2011-2029: DM1
Supplementary Planning Guidance : Quality Places
Supplementary Planning Guidance: Residential Parking Standards

CHARACTER APPRAISAL AREA

Not Within Hedge End, West End and Botley Character Area

SPECIAL POLICY AREA

None

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to residential amenity, highway matters, trees, street scene and character of the area

COMMENT ON CONSULTATION RESPONSES

None received		See below		
Noted and will be discussed in the assessment section.				

COMMENT ON REPRESENTATIONS RECEIVED

X	None received		See below		

PLANNING OBLIGATION/CONSIDERATIONS

Not applicable

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Gravesham BC v SOS & O'Brien 8/11/82
The case concerned a building used as a weekend chalet. Here it was held that a characteristic of a dwellinghouse to be looked for was its ability to afford to those who use it the facilities required for day-to day domestic existence.

Uttlesford District Council v Secretary of State (1991)
The Uttlesford case concerned the conversion of a garage to living accommodation. In this case it was held that the living accommodation would need to remain in single family occupation to be considered as the same planning unit.

Circular 10/97 (at para. 2.81)
The circular attempts to define the term "single dwellinghouse" and makes the general point that if no reasonable person would look at a particular structure used as a dwellinghouse, and identify it as such, it is justifiable to conclude, that it is not a dwellinghouse.

The paragraph goes on to state, *"..the criteria for determining use as a dwellinghouse include both the physical condition of the premises and the manner of use.* The circular also gives some helpful guidelines to assess where a single, self-contained set of premises comprises a separate dwelling house.

- *Whether the premises can be regarded as a separate planning unit from any other part of a building containing them*
- *Whether the premises are designed or adapted for residential purposes, containing the normal facilities for cooking, eating and sleeping associated with use as a dwellinghouse:*
- *Whether the premises are used as a dwelling, permanently or temporarily, by a single person or more than one person, living together as, or like, a single family*

Stanway v SOS & South Gloucestershire Council 16/11/2000
Involved a case where a residential use had been introduced into a stable building without permission. An inspector noted that the construction of the building was important in determining whether a separate unit of accommodation was created. In this case he allowed the appeal on the basis that the accommodation was very deficient in respect of light and ventilation and the structure and specification of the building were more appropriate to a stable.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

The above cases and circular will be used to assess whether the proposed conversion would form an annex or a separate planning unit. The impact of the proposed conversion will also be assessed using Policy 59.BE of the Eastleigh Borough Local Plan Review (2001-2011).

Policy 59.BE of the Local Plan requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

ASSESSMENT

Principle

The annexe is for an elderly relative of the residents of the house and will be reliant upon them for daily care (e.g. for meals). The annexe has limited facilities and is accessed through the main house. The annexe is an extension to the house rather than as a separate building. Overall the principle of the annexe is acceptable and meets planning guidance.

Character and Appearance

The annexe will involve converting the existing garage and simply extends its pitched roofline over the new structure. As such the annexe will only be 2.1m wider than the existing structure. The annexe is single storey and tucked away at the side of the house where it will not dominate the property or wider locality.

Residential Amenity

The single storey annexe is set in from the site boundaries behind a high wall. As such the proposal is not considered to unacceptable impact neighbouring properties by way of a loss of light, outlook, overbearing impact or overlooking.

Car Parking

The annexe will create a four bedroom property and so will require three on site car parking spaces (inline with Residential Parking Standards SPD). Two spaces are already provided on the property's driveway and if necessary the grassy area can also be converted into an extra space.

Amount of development

The extension is located on a small area of land at the side of the house and will leave a large rear garden. As such the proposal is not considered to result in the overdevelopment of the plot.

The development complies with the requirements of Policy 59.BE.

OTHER MATERIAL CONSIDERATIONS

Also of relevance is the pre-submission Eastleigh Borough Local Plan 2011-2029. While not yet adopted it does carry weight by virtue of being intended as the current local plan's replacement. With regards to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

CONCLUSION

Recommend Permit