

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	20/01134/HOUSE Burghfield Parish Council	17/07/2020 <sup>1</sup>	Section 73. Variation of condition (4) garage use restricted of approved 18/01467/HOUSE - Erection of new garage with ancillary residential space on the first floor  Greenfields, Burghfield, RG30 3TG  Rebecca Gore

<sup>1</sup> Extension of time agreed with applicant until 27<sup>th</sup> August 2020

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/01134/HOUSE>

The original application can be viewed at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/01467/HOUSE>

**Recommendation Summary:** Delegated to the Head of Development and Planning to grant planning permission.

**Ward Members:** Councillors Graham Bridgman, Royce Longton, Geoff Mayes

**Reason for Committee Determination:** Referred to committee by the Development Control Manager for scrutiny in light of the given justification for relaxing the restriction, and recognising the size of the host dwelling and that the intended occupant always lives in the host dwelling.

**Committee Site Visit:** Owing to social distancing restrictions, the option of a committee site visit is not available. Instead, a collection of photographs is available to view at the above link.

#### Contact Officer Details

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## 1. Introduction

- 1.1 This application seeks to vary condition 4 associated with planning permission 18/01467/HOUSE, dated 9<sup>th</sup> August 2018, to allow the use of the first floor above the garage as a residential annexe.
- 1.2 Greenfields is located at the edge of the settlement boundary of Burghfield Village, which falls below the district settlement hierarchy. The settlement boundary runs through the site such that the house and garage are within the settlement boundary, but the access road and associated land to the south are outside and therefore regarded as open countryside in terms of Policy ADPP1. The black line below shows the settlement boundary with the application site highlighted orange.



- 1.3 Due to its location at the settlement edge and the original use of the site for keeping horses, despite being located within a small pocket of development, the application site has a sylvan character, with fields to the south-west and south-east. Due to the general reduction in built development extending out from the centre of Burghfield Village, the surrounding properties are predominantly characterised by large plots with a significant degree of mature landscaping. Whilst the main dwellinghouse and detached garage at Greenfields are located within the settlement boundary, the remainder of the associated land to the south is situated within open countryside. The main dwellinghouse comprises a chalet-style bungalow; the detached garage shares the main dwellinghouse's chalet-style design.
- 1.4 Application 18/01467/HOUSE granted planning permission for the erection of a new garage with ancillary residential space on the first floor. The approved plans for this application are provided in the plans pack of this agenda. Condition number 4 restricted the use of the building, stating:

*The garage hereby permitted shall be used solely for ancillary residential purposes incidental to the enjoyment of the existing dwelling known as Greenfields, Burghfield. No trade, business or commercial enterprise of any kind whatsoever shall be carried on, in or from the garage other than for purposes that are ancillary to the enjoyment of the main dwelling, nor shall it be used for additional bedroom accommodation or for any form of human habitation.*

*Reason: In the interests of amenity and the creation of a separate planning unit would be unacceptable in the interests of ensuring a sustainable pattern of development. This condition is imposed in accordance with the National Planning*

*Policy Framework (March 2012), Policies ADPP6 and CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and the Parish Design Statement for Burghfield.*

- 1.5 This application seeks the variation of this condition to allow an elderly relative to occupy the first floor of the now substantially constructed detached garage as a residential annexe to the main dwellinghouse at Greenfields. At ground floor level the garage will retain two enclosed parking bays with up-and-over doors, and an enclosed staircase to the first floor. At first floor the accommodation will provide a living space, a bedroom, a kitchenette and a bathroom. The dimensions and appearance of the detached garage will not be altered as a result of the proposals.

## 2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

<b>Application</b>	<b>Proposal</b>	<b>Decision / Date</b>
125970 (Full)	Access to field where horses are kept Applicant Ms P. M. Gore	Approved 23.04.1986
128360 (Full)	Five loose boxes stabling for horses Applicant Mrs P. M. Gore	Approved 25.03.1987
132477 (Outline)	Proposal for one dwelling Applicant Mrs Gore	Refused 06.10.1988
Enforcement Action taken against the unauthorised change of use for stationing caravan – Appeal Allowed		
137047 (Full)	One single storey dwelling to replace caravan Applicant Mrs P Gore	Approved 23.05.1990
142090	Construction of one detached three-bedroom bungalow for wholly human habitation Applicant Mrs P Gore	Approved 24.02.1993
06/01425/OUTD	Outline permission for a three bedroom bungalow Applicant R. Gore	Approved 18.09.2006
07/00718/REM	Construction of new bungalow Applicant R. Gore	Approved 28.07.2007
11/01047/HOUSE	Loft conversion Applicant R. Gore	Approved 24.08.2011

18/01467/HOUSE	Erection of new garage with ancillary residential space on the first floor  Applicant R Gore	Approved 09.08.2018
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2.2 The planning history indicates Mrs P Gore was the original owner / occupant of the application site, dating back to 1987.

### 3. Procedural Matters

3.1 Given the nature and scale of this householder development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.

3.2 A site notice was displayed by the applicant on 11<sup>th</sup> June 2020 at the application site; the deadline for representations expired on 2<sup>nd</sup> July 2020. A public notice was displayed in the Reading Chronicle on 28<sup>th</sup> May 2020.

3.3 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floor space (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). Initial assessment of the scheme indicates the proposals would not increase the existing floor space of the first floor of the substantially constructed garage; the proposals are therefore unlikely to be CIL liable. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

### 4. Consultation

#### *Statutory and non-statutory consultation*

4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Burghfield Parish Council:</b>	Support. Condition to remain, but varied to state; The garage building shall not be sold, let, rented or otherwise separately disposed of from the primary dwelling and not result in this living space being used as a functionally separate dwelling. It will remain part of the same planning unit as the original dwellinghouse and in single family occupation.
<b>WBC Highways:</b>	The photo submitted shows x3 driveway spaces are available so I have no highway objections.  The applicants should be aware that as this is ancillary a separate postal address will not be issued for this additional

	accommodation. All utilities, mail and services must run through the main dwelling.
<b>WBC Rights of Way Officer:</b>	No comments returned.
<b>Ramblers' Associated:</b>	No comments returned.

### ***Public representations***

4.2 Joint representations have been received from two contributors, both of whom object to the proposal. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

- Highlight factual inaccuracies with the Planning Statement; Mrs Gore has always been resident at Greenfields;
- Policy / guidance states annexes should not be separate;
- Coronavirus should not be used as a 'material consideration' due to its temporary nature, and the permanence of lifting / modifying the condition.

## **5. Planning Policy**

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP6, CS1, CS8, CS13, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Burghfield Village Design Statement

## **6. Appraisal**

6.1 The main issues for consideration in this application are:

- Whether the proposals would result in a material change of use by the creation of two dwellinghouses;
- Whether the use of the first floor of the garage approved under application 18/01467/HOUSE as a residential annexe for an elderly relative would cause

any detriment to the character and appearance of the application site, the street scene or the wider locality;

- Whether the use of the first floor of the garage approved under application 18/01467/HOUSE as a residential annexe for an elderly relative would harm the residential amenities of adjacent properties.

### ***Principle of development***

- 6.2 Condition number 4 of planning permission 18/01467/HOUSE permits the use of the first floor of the garage for ancillary residential purposes incidental to the enjoyment of the existing dwelling known as Greenfields, but specifically restricts its use for additional bedroom accommodation for any form of human habitation. The stated reason for the condition is *“In the interests of amenity and the creation of a separate planning unit would be unacceptable in the interests of ensuring a sustainable pattern of development.”*
- 6.3 The Planning Statement submitted in support of this application states the applicant originally intended to use the first floor of the garage as a home office / study / gym. It is now stated that the applicant wishes to use the first floor as an annexe for her mother. The originally submitted statement suggests that the applicant’s mother came to stay at the application site due to the outbreak of the Coronavirus. However, third party representations submitted during the course of this application indicate that the applicant’s mother has always been resident at the application site. This position would appear to be corroborated by the planning history, which suggests that Mrs P Gore has resided at Greenfields in one form or other since the mid-1980s.
- 6.4 Subsequent to the above information being revealed, the agent has submitted an addendum to the originally submitted Planning Statement, confirming that the applicant’s mother has always lived at Greenfields. The agent had understood that the applicant’s mother had been living independently elsewhere and as a consequence paragraph 2.3 of the original statement *“can be regarded as misleading and the writer apologises for the unnecessary obfuscation.”* However, notwithstanding the living arrangements to date, the addendum states:
- “As stated before, the new building presents an opportunity to provide Applicant’s mother with her own private bedroom, small living area, bathroom and basic kitchenette. This would enable all parties to enjoy a greater degree of privacy.”*
- 6.5 Given that the applicant’s mother has resided at the same address for some considerable years, this is considered to support the assertion that the annexe accommodation would be used as an intrinsic part of the existing dwelling. The use of the first floor of the garage as a residential annexe for an elderly relative of the occupants of the main dwellinghouse at Greenfields as a single household would not result in material change of use to two dwellinghouses, as the site would remain in single family occupation.
- 6.6 As a general rule residential annexes are expected to demonstrate dependency on the existing main dwellinghouse and should be capable of being absorbed back into the main dwelling after the need for an annexe has gone. Section 8 of the House Extensions SPG, which concerns Granny Annexes or Accommodation for Elderly or Disable Relatives, states that a residential annexe should be linked internally to the main dwelling, but may have a separate entrance. However, this guidance was adopted in July 2004, and in the intervening period it has been accepted on a case-by-case basis that occasionally detached annexe accommodation can be considered acceptable, provided the dependency on the host-dwelling is maintained. The key tests in planning law relate to the physical and functional relationship between the annexe and the host dwelling.

6.7 In this instance, the garage constructed at Greenfields, under application 18/01467/HOUSE, is located 1.3m from the main dwellinghouse. This previous permission accepted the use of the first floor of the garage as a home office / study / exercise room. There is only one vehicular access to the application site, and paragraph 1.6 of the Planning Statement Addendum confirms:

- Services for the annexe will be connected to the main dwellinghouse at Greenfields;
- There will be no separate utility meters, address or telephone and television connections to the annexe;
- The annexe will not have any separate parking area, curtilage or garden space;
- Once no longer required as annexe accommodation for the applicant's mother, the use will revert back to study / home office / leisure / exercise room.

6.8 The proposed accommodation shown on the proposed floor plans includes a living space with kitchenette, a bathroom and a bedroom. The facilities are commensurate with a small flat, and it is conceivable that they could function independent of the main house. However, taking into account the modest scale of the proposed accommodation and the close physical relationship between the annex and house, it is considered that the proposal is genuinely ancillary to the main house provided both continue to be occupied as a single household.

6.9 As a consequence, despite not being linked to the main dwellinghouse, the proposed annexe, occupying the first floor of the approved garage, is considered to be modest in size and located in sufficiently close proximity to the main dwellinghouse. It would not result in any extensions to the already approved garage building, and would remain subordinate to the host dwelling. It is considered that, as a result of the proposals, the garage would retain its essential character as an ancillary building of moderate scale. If permission to vary the condition as proposed is granted it would not facilitate the creation of a separate planning unit, and the annexe would remain in single family occupation.

6.10 Whilst the applicants' personal circumstances and living arrangements are informative, planning permission runs with the land rather than with any individual. It is therefore necessary to ensure that the condition continues to meet the purpose for which it was applied. Whilst the recommended conditions relaxes the restrictions of the specific use of the first floor, it maintains the core restrictions that are necessary to prevent a material change of use to form two dwellinghouses.

6.11 The comments of the Parish Council are noted, and the sentiments that a separate planning unit is not created are echoed. However, a condition restricting the sale / rent of the annexe in the manner suggested would not meet the criteria for conditions set out in paragraph 56 of the NPPF, and would go beyond the Local Planning Authorities legal power / authority because it would interfere with proprietary rights. The key planning issue is the use of the building, not its ownership. However, it is considered that a sufficiently worded condition can be attached to ensure the fundamental aspirations of the Parish Council are met.

### ***Character and appearance***

6.12 The garage is substantially constructed and the proposals would not alter the design, dimensions or location of the building. The approval of this application would not materially affect the character and appearance of the area compared to the original development in this respect.

- 6.13 However, it is considered that a separate unit in this location would not respect the character of the area, and the enlargement of the annexe to include the ground floor as well as the first floor would no longer retain the moderate scale and subordinate appearance of the building. It is therefore recommended that the condition wording is varied to ensure the proposed annexe remains ancillary to the main dwellinghouse at Greenfields (also for the reasons given above) and, additionally, that the ground floor is retained for parking and not converted into additional habitable accommodation.

### ***Neighbouring Amenity***

- 6.14 The dimensions, location and scale of the garage building approved under application 18/01467/HOUSE would not be altered as a result of this application. The occupation of the first floor of the garage as a residential annexe is not considered to result in any greater propensity for overlooking neighbouring properties than the use as a home office / study / exercise room would have afforded and no additional windows are proposed. Given that the applicant, her family, and her mother already all reside at the application site, the use of the first floor of the garage as a residential annexe is not considered to intensify the use of the application site. The proposals are therefore not considered to adversely affect the residential amenities of adjacent properties in terms of any overdominance, obtrusiveness, loss of light, overlooking, noise or nuisance.

## **7. Planning Balance and Conclusion**

- 7.1 Whilst there have been objections to this application, it is considered the proposed variation to condition number 4 of planning permission 18/01467/HOUSE to allow the occupation of the first floor of the garage building as a residential annexe for an elderly relative, ancillary to the main dwellinghouse at Greenfields, is acceptable and can be secured by the use of conditions.
- 7.2 Having taken into account the relevant policy considerations and material considerations referred to above, it is considered that the development is acceptable and conditional approval is justifiable.

## **8. Full Recommendation**

- 8.1 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.

### ***Conditions***

#### **1. Approved plans**

The development hereby permitted shall be carried out in accordance with the following approved drawings:

- (a) Drawing numbers 18005\_AL-SP-12 Revision P02, 18005\_AL-E-10 Revision P03 and 18005\_AL-P-10 Revision P01 (Proposed Roof Plan only) received on 29 May 2018 and the 1:1250 Location Plan and drawing number 18005\_AL-SP-11 Revision P01 (excluding Ground Floor Plan) received on 15 June 2018; all submitted pursuant to application 18/01467/HOUSE.
- (b) Drawing number 2039/PL/04 Revision A, submitted pursuant to application 20/01134/HOUSE.

Reason: For the avoidance of doubt and in the interest of proper planning.



2. **Materials**

The materials to be used in the development hereby permitted shall be as specified on the plans and application form of application 18/01467/HOUSE.

Reason: To ensure that the external materials respond to local character. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), Supplementary Planning Guidance 04/2 House Extensions (July 2004) and the Parish Design Statement for Burghfield.

3. **Use of first floor**

The first floor accommodation of the garage building shall be used only as an integral part of the existing dwelling, and for purposes ancillary and/or incidental to the residential use of the dwelling known as Greenfields, Burghfield. The first floor shall not be used as a separate dwelling unit, and no separate curtilage shall be created.

Reason: The creation of a separate planning unit would be unacceptable in the interests of ensuring a sustainable pattern of development, and respecting the character and appearance of the area. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP6, CS1, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and the Village Design Statement for Burghfield.

4. **Use of ground floor**

The ground floor of the garage building shall be used solely for purposes incidental to the enjoyment of the existing dwelling known as Greenfields, Burghfield. No trade, business or commercial enterprise of any kind whatsoever shall be carried on, in or from the garage other than for purposes that are ancillary to the enjoyment of the main dwelling, nor shall it be used for additional bedroom accommodation or for any form of human habitation.

Reason: The creation of a separate planning unit would be unacceptable in the interests of ensuring a sustainable pattern of development, and respecting the character and appearance of the area. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP6, CS1, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and the Village Design Statement for Burghfield.