

3/2021/0867

PLANNING, DESIGN AND ACCESS STATEMENT

Ancillary Granny Annexe

5 Hawthorn Close

Langho

Blackburn

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INTRODUCTION

This planning, design and access statement has been produced to support a planning application seeking the erection of a timber pre-fabricated single storey granny annexe, for ancillary residential use associated with the dwelling.

The proposed granny annexe will be for the applicants' parents to occupy, who due to advancing age and ill health require the much-needed care of their family now and into the future.

The erection of a granny annexe will provide the balance of independence while still having the support and care of the family on hand. A personal statement has been provided to support the application which provides the background to the need.

Other supporting documents submitted as part of this application will include;

- » Location Plan
- » Proposed Elevations and Floor Plan
- » Proposed Block Plan
- » Personal Statement

PROPOSAL

This application seeks to erect a single storey timber granny annexe within the curtilage of an established C3 dwelling.

The use of the annexe will be ancillary to the main dwelling with strong functional links between them.

It is intended that the occupant will be preparing and eating meals in the main dwelling, watching television/relaxing, socialising with the family and using existing household facilities.

To confirm there will be no separate;

- » Address,
- » Post Box
- » Utility meters,
- » Services such as internet, phone line and television,
- » Parking,
- » Garden area or curtilage, and
- » Access

To reiterate this proposal is for an ancillary granny annexe that will be located within an existing residential curtilage and will be heavily dependent on the host dwelling. The proposal **does not** represent a separate dwelling and could not operate as such given the undesirable site constraints and reliance on the host dwelling.

SITE CONTEXT

Application Site

The application site is located to the east of the settlement of Langho. The dwelling itself is a detached three storey property with a mix of red brick and stone to the external facade and tiled pitched roof and with large flat roof dormer to the side elevation. The site benefits from ample private amenity space and off-road parking.

The application property is bound by neighbouring gardens and countryside; however, the curtilage is well defined through mature vegetation and high domestic fencing. This provides an effective screen enclosing the garden resulting in limited impact to the streetscene and neighbours.

Due to the location of property the garden is not overlooked allowing for a high level of privacy.

The surrounding area is residential to the North, East and West with open countryside to the South; therefore, it is not out of character to find ancillary buildings located in the neighbouring gardens.

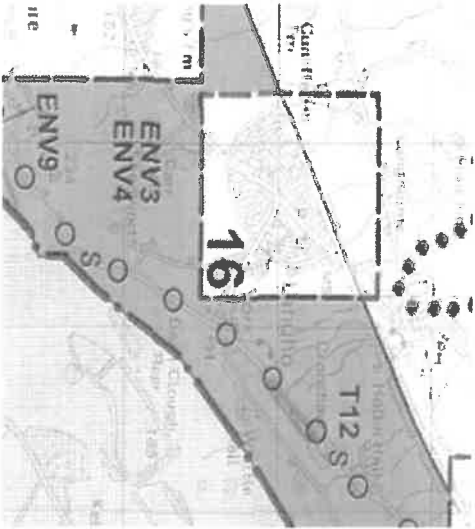
Site Designations

According to the adopted Ribble Valley Proposal Map the applicant site sits just to the east of the Langho Settlement Boundary as indicated by the red location marker on the extract below in 'Open Countryside'.

Flooding

The Environment Agency's Flood Maps indicate that the site is within Flood Zone 1, which is a low possibility of flooding.

Langho Proposal Map Extract



EA Flood Map for Planning Extract



PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

The relevant policies against which to assess this proposal are contained within the adopted Ribble Valley Core Strategy, National Planning Policy Framework (NPPF) and any relevant Supplementary Planning Documents (SPD).

Local Plan 2019

- Policy DMG1 – General Considerations: Identifies the criteria which should be taken into consideration as part of the determination of the application in relation to the quality of design, access, amenity of the surrounding area and environmental implications.
- Policy DMH5 – Residential and Curtilage Extensions: Requires proposals to comply with Policy DMG1 as well as any designations that the site is encompassed within.
- Policy DME2 – Landscape and Townscape Protection: This policy aims to conserve and protect important features that form part of the local landscapes and townscapes.

NPPF

- Paragraph 8 – Dimensions to sustainable development
- Paragraph 117 – Improving the living conditions of the applicant
- Paragraph 11 – Presumption in favour of sustainable development
- Paragraph 61 – Meeting housing needs for older people
- Paragraph 91 – A safe, secure and enjoyable garden

POLICY ANALYSIS

Principle of Development

This proposal seeks to create a granny annexe to provide ancillary accommodation for the applicant's parents, who due to advancing age and ill health require the support of their family. **(Please see submitted Personal Statement).**

The construction of the granny annexe would allow the family to have peace of mind knowing they are close by and can provide the needed support now and in the future.

Need – As expressed at the start of this report the annexe is required to all the applicants parents to provide the necessary support for their aging parents.

The family will be on hand to take care of day to day needs, whether that be cooking together, socialising, laundry, errands to the shops and appointments and just being on hand to provide support rather than relying on state care.

Multigenerational living is being supported and championed by Central Government, it releases the stress on state funded care and provides a form of sustainable development that must be supported at local level.

Relationship with dwelling – Whilst the annexe will not be physically attached, the annexe would have a clear dependency on the main dwelling for basic services such as water and electric. In addition to the clear functional connections between the house and the annexe, the layout of the annexe within the site clearly demonstrates that independent use would be difficult and undesirable.

To confirm there will be no separate;

- Address
- Utility Meters
- Garden
- Curtilage
- Post Box.

The above points were a strong consideration in the landmark case *Uttlesford v SoS (Environment & White)*.

The Inspector acknowledged that the annexe contained all the facilities for day-to-day domestic existence and was capable of being used as a separate dwellinghouse.

However, the inspector also stated that this did not mean that it had been so used; Factors of significance were the **lack of separate utility meters, postal address and telephone line. He also mentioned the lack of any separate curtilage or access arrangements.**

Future occupancy - The applicant would be happy to agree to an appropriate condition restricting the use of the annexe to only ancillary.

Whilst the National Planning Practice Guidance was published on 6 March 2014 and Circular 11/95 was cancelled, Appendix A of the Circular is currently retained. Therefore, such a condition continues to be promoted by the Government.

The circular states;

“It is possible that a ‘granny annexe’ which provides independent living accommodation, could subsequently be let or sold off separately from the main dwelling. Where there are sound planning reasons why the creation of an additional dwelling would be unacceptable it may be appropriate, to impose a planning condition to the effect that the building permitted shall be used solely as accommodation ancillary to the main dwelling house.”

The applicant is happy to accept the below condition, taken from model condition 47 from Circular 11/95:

“The proposed building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling”

Given the above, we believe the principle of an ancillary annexe, subject to further assessment on; amenity, design and visual impact, should be considered acceptable.

Layout and Siting

Local Plan policy seeks to ensure that any new development is satisfactorily located and provides a high standard of design being compatible with the character of the surrounding area.

The proposed annexe would be sited to the south boundary of the garden. Careful consideration was given to this positioning to ensure that the development would not negatively impact upon the neighbouring dwellings and streetscene, whilst maintaining its ancillary relationship with the host dwelling.

The border treatments in this location includes domestic fencing and well developed vegetation, this will help screen the proposed annexe, reducing any visual impact and protecting privacy.

We believe that the proposal would have no greater impact upon the surrounding area than any permitted residential paraphernalia. Overall, the annexe would assimilate within the garden and wider context and would visually corollate with the surrounding pattern of built development.

Scale and Amount

The size of the annexe has been carefully considered to provide comfortable accommodation whilst ensuring the impact on neighbouring properties remains minimal.

The size has been considered to reflect the relationship of a traditional ancillary outbuilding, the single storey design will provide a clear subordinate appearance to the host dwelling and surrounding properties in terms of mass and scale.

Due to the size of the host plot the proposal does not look at odds with the surrounding pattern of development.

We believe that the proposal would have no greater impact on the surrounding area than an outbuilding which would be permitted under Class E of the GPDO. It is a strong material consideration that if the height was reduced the applicant could build the physical structure itself under Class E Permitted Development Rights.

Therefore, we believe the proposed annexe in its current form and size is acceptable, and in accordance with local planning policies.

Appearance

The following materials will be used for the construction of the proposed annexe;

- External Cladding - Thermowood Lap Weatherboard – Light Oak
- Fascia and Soffit – White
- Fenestration – White uPVC
- Flat Roof



Annexe Access

The only access into the annexe will be through the existing arrangement, no independent access will be provided. There would be no separate highway access or need to make any alterations to the existing access point

MATERIAL CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

There are a number of material considerations that support this proposal which we consider should carry weight in the decision-making process.

Appeal Precedents

Whilst we appreciate applications should be judged on their individual merits, the following appeals are for a very similar proposal, all were allowed, and the inspectors comments should be given weight.

Detached Annexe - APP/B3030/W/18/3209387 – Against Newark – Appeal Allowed 2018	Detached Annexe - APP/N5090/D/18/3201125 – Against LB of Merton – Appeal Allowed 2016	Detached Annexe - APP/B3438/A/12/2188171 – Against Staffordshire Moorlands DC – Allowed 2012
<p>Para 6 – “The main dwelling is unable to provide the ground floor washing and sleeping facilities required. Whilst the proposed building has kitchen and bathroom facilities, it would not have its own separate amenity space. This and the degree of support which would be provided, demonstrates a physical and functional link to Primrose Cottage. I have therefore determined the proposal as an annexe rather than a new dwelling”.</p> <p>Para 9 – “The personal circumstances and needs of the intended occupiers of the annexe have been clearly documented in the supporting statement provided with the planning application. These are significant considerations which meet the ‘relevant protected characteristics’ under Section 149 of the Public Sector Equality Duty contained in the Equality Act 2010 to which I must have due regard”.</p> <p>“If dismissed, the decision would have a serious negative impact on their day to day lives and their health. These important considerations significantly outweigh the harm that would be caused in terms of character”.</p>	<p>Para 9 – “The annex would not have a separate access, it would share the facilities and utilities of the main house and garden and the occupier would spend time within the house as part of the family. Therefore the proposal would not create a separate planning unit and the property would continue to function as a single dwellinghouse”</p> <p>“A planning condition could be imposed to ensure that the additional accommodation remains ancillary. Its use as a separate dwelling would require permission and this would enable the Council to retain control”</p>	<p>“Whilst I accept that the proposed accommodation would contain all the facilities required for it to be used as an independent unit, its overall size would be small and the level of facilities it would provide would be basic, which is what would be expected for accommodation that is ancillary to the main dwelling.</p> <p>I recognise that the grant of planning permission could result in pressure for the building to be used as a separate dwelling at the same point in the future. For the reasons set out above I consider that it is very unlikely to be occupied independently of the main dwelling.</p> <p>Moreover Circular 11/95 provides a model condition which could be attached to this permission to ensure that the occupation of this unit remains ancillary. The fact that such a condition is included in national guidance is an indication that it is capable of being enforced and I see no reason why the Council should not be able to investigate and take any action on any breach of the condition</p>

Personal Need

There is a strong personal need for the annexe which is highlighted in the supporting documents. Lord Scarman in *Westminster City Council v Great Portland Estates plc* [1985] JPL108; AC661 commented that:

"Personal circumstances of the occupier [and] personal hardship...are not to be ignored in the administration of planning control. It would be inhuman pedantry to exclude from the control of our environment the human factor"

Personal circumstances or "the human factor", are always present in the background to the consideration of the character of land use, but may sometimes be given direct effect in development control as an exceptional or special circumstance (*Great Portland Estates plc v Westminster City Council* [1985] A.C. 661.)

It is considered the personal circumstances of the applicants are a strong material consideration which should be given due weight. We respectfully urge the council to take into consideration the need for the annexe, this has been highlighted within the personal statement.

The personal circumstances and needs of the intended occupier of the annexe have been clearly documented in the supporting personal statement. These are significant considerations which meet the 'relevant protected characteristics' under Section 149 of the Public Sector Equality Duty contained in the Equality Act 2010 to which should be considered.

The proposed development would provide for the needs of the occupant (which include communication, decision making, ongoing medical appointments, mobility, transport, practical and social activities and emergency contact) in a way which is not possible in their current accommodation.

If refused, the decision would have a serious negative impact on their day to day lives and their health.

CONCLUSION

The principle of the proposal can be considered acceptable, with the use of the annexe secured by a model condition that can be readily enforced.

This statement has demonstrated the proposals comply with both national and local planning policies in terms of amenity, design and visual impact.

This proposal seeks to provide a much-needed granny annexe that will help a family stay together and provide the required care for each other. Not only does this help relieve the stress on our public health care system, it provides a very sustainable form of development that should be championed.

We therefore respectfully request that this application is granted without delay

