

OFFICER REPORT FOR COMMITTEE

DATE: 15/02/2023

P/22/1449/FP

HILL HEAD

MS L BROWN & MS D GLACKIN

CONSTRUCTION OF DETACHED 1-BED ANNEXE WITH MOBILITY ACCESS & RAISED TERRACE TO REAR (RETROSPECTIVE APPLICATION)

39 KNIGHTS BANK ROAD, FAREHAM, PO14 3HX

Report By

Susannah Emery– direct dial 01329 824526

1.0 Introduction

1.1 The application is reported to the Planning Committee for determination due to the number of third party letters of objection received.

2.0 Site Description

2.1 This application relates to a detached residential property located on the north side of Knights Bank Road opposite the junction with Little Gays.

2.2 Under the adopted Local Plan, the frontage of the site lies within the urban area, with a large part of the rear garden currently lies within the countryside. Under the emerging Local Plan the whole of the site is proposed to be designated as urban area.

2.3 The main two storey dwelling (Pond House) has a ground floor self contained residential/holiday let unit attached to the western side of the building (Still Waters) and there is also a self contained annexe (The Penthouse) in the roof space of the dwelling.

2.4 There is a large pond within the rear garden and the site abuts Titchfield Haven Nature Reserve Site of Special Scientific Interest (SSSI) to the rear. There is a mature Monterey Pine tree on the frontage which is protected by a Tree Preservation Order (TPO).

2.5 The annexe is located within Flood Zone 1 (least at risk) although parts of the site which sit at a lower level are situated within Flood Zone 2/3 and are at risk of tidal flooding.

3.0 Description of Proposal

- 3.1 Retrospective planning permission is sought for the a detached 1-bed annexe with a raised terrace to the rear and ramped mobility access to the garden area of the existing dwelling.
- 3.2 The annexe measures 6.4 metres in depth, 9 metres in width with a ridge height of 4.8m.
- 3.3 It is proposed to finish the annexe with grey fibre cement weather boarding.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

- CS5: Transport Strategy and Infrastructure
- CS15: Sustainable Development & Climate Change
- CS17: High Quality Design

Adopted Development Sites and Policies

- DSP2: Environmental Impact
- DSP3: Impact on living Conditions
- DSP46 Self Contained Annexes and Extensions

Fareham Local Plan 2037 (Emerging)

The Fareham Local Plan 2037 was submitted to the Planning Inspectorate on 30th September 2021 and an examination conducted in March and April 2022. Following the conclusion of the examination hearings the Inspector requested a number of modifications to the Plan. The proposed modifications were the subject of public consultation from 31st October until 12th December. The Council's Local Development Scheme schedules that the new plan will be adopted in Winter 2022/2023. On adoption the Local Plan will have full weight and in its current advanced stage is a material consideration for the determination of planning applications. The following draft policies of the emerging plan are of relevance.

- HP10 Ancillary Accommodation
- NE6: Trees, Woodland & Hedgerows
- D1: High Quality Design & Placemaking
- D2: Ensuring Good Environmental Conditions
- D5: Internal Space Standards
- CC2: Managing Flood Risk & Sustainable Drainage Systems
- TIN1: Sustainable Transport

Other Documents:

Fareham Borough Design Guidance: Supplementary Planning Document
(excluding Welborne) December 2015
Residential Car Parking Standards 2009

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/18/0754/FP	Erection of Detached Double Garage & Store Permission 30 August 2018
P/18/0059/FP	Erection of Detached Dwelling Refused 22 March 2018
P/17/0548/LP	Construction of two detached single storey outbuildings Approve 18 July 2017
P/17/0042/FP	Single Storey Side Extension Approve 23 February 2017
P/11/0955/FP	Erection of Single Storey/Two Storey Side Extension, Provision of Front & Rear Dormers, Roof Terrace and Insertion of Velux Roof Lights to Form Annexe Approve 3 Jan 2012
P/11/0151/FP	Erection of Single Storey/Two Storey Side Extension, Provision of Rear Dormers & Roof Terrace & Insertion of Velux Roof Lights to Form Annexe Permission 19 May 2011
P/09/0804/FP	Erection of Single Storey & Two Storey Side Extension, Provision of Rear Dormer & Roof Terrace, and Insertion of Velux Rooflights to Form Annexe Permission 27 January 2010
P/06/1613/VC	Variation of Condition 3 of P/03/1344/FP (to enable annexe to be sub-let – retrospective application) Permission 27 September 2007
P/03/1344/FP	Erection of Two Storey Side Extension to form Self- Contained Annexe, Replace Existing Flat Roof with Pitched Roof and New Detached Single Garage (Alternative to P/03/0483/FP) Permission 27 October 2003

P/03/0483/FP Erection of Two Storey Side Extension to form Self-Contained Annexe, Replace Existing Flat Roof with Pitched Roof and New Detached Single Garage
Permission 21 May 2003

P/02/1390/OA Erection of Detached Dwelling With Garage
Outline Permission 11 December 2002

6.0 Representations

6.1 Five representations have been received raising the following issues;

- The conversion of the garage to an annexe has already taken place
- Why was nothing done to stop this when it was clear it was not the garage being built?
- The annexe is already in use on occasion
- The commercial use of the property is out of character with the quiet residential road
- An annexe is not required given the size of the existing dwelling
- The penthouse flat should be made available to the applicant's father
- Increased residents, staff and vehicle movements
- Proposed cladding is not in keeping and brick would be more appropriate
- Vehicles parked on the road
- Further building works resulting in continued noise and disruption
- Log cabin in rear garden used as a dwellinghouse
- How will garden storage/garaging be provided?

7.0 Consultations

EXTERNAL

Environment Agency

7.1 No objection subject to a condition concerning internal finished floor level.

8.0 Planning Considerations

8.1 The following matters represent the key material planning considerations which need to be assessed to determine the suitability of the development proposal:

- a) Principle of Development
- b) Effect upon Character & Appearance of the Area
- c) Effect upon Amenity of Neighbouring Properties
- d) Flood Risk

a) Principle of Development

- 8.1 The existing dwelling is a substantial residential property. The proposed annexe is for residential purposes and it has been fitted out internally accordingly. It contains one bedroom, an open plan kitchen/living space and a wet room.
- 8.2 Planning permission was granted in 2018 for the construction of a detached garage in the same position and of the same dimensions as the annexe now before Members. The applicant advises that the construction of the permitted garage commenced, however as a result of a delay in the supply of the purchased garage doors, a decision was made to block up the openings for security and to prevent damage to the inside of the building. It was subsequently decided to use the garage as an annexe for the applicant's disabled father who has declining health and mobility issues. Further works were undertaken internally before the Council were made aware, and following investigation invited the submission of a planning application to regularise the matter.
- 8.2 Policy DP46 (Self-Contained Annexes and Extensions) of the Local Plan Part 2: Development Sites and Policies states:

“The provision of self-contained annexes to accommodate dependant relatives will be permitted, provided that:

- i) A functional link between the principal dwelling and the annexe or extension can be demonstrated such as a relationship of the occupants of the principal dwelling and the annex;*
- ii) The annex or extension is within the curtilage of the principal dwelling;*
- iii) Adequate car parking spaces are provided for both the residents of the annex or extension and the principal dwelling;*
- iv) There is no boundary demarcation or sub-division of garden areas between the principal dwelling and the annexe or extension; and*
- v) The annex or extension conforms to the space standards and design requirements as set out in the Local Plan Part 1: Core Strategy Policy CS17: High Quality Design and the Design Supplementary Planning Document.*

Where the annexe is detached from the original dwelling, a planning condition will be applied to any planning permission to prevent the use of the annexe as a separate dwelling.”

8.3 The proposed annexe would be occupied by the applicant's father and would meet the specific needs of the intended occupant. The proposal is considered to comply with part (i). The annexe is within the curtilage of the principal dwelling and the proposal therefore complies with part (ii). There is ample car parking on the driveway for both the occupiers of the annexe and the main dwelling, the proposal complies with part (iii). There is no boundary demarcation or sub-division of garden areas proposed between the principal dwelling and the annexe. Therefore, the proposal complies with part (iv). A planning condition would be imposed to ensure that no subdivision takes place as it is considered this would potentially be harmful to the character of the area. The annex conforms to the nationally described minimum space standards and Policy CS17 and therefore complies with part (v). It is considered that the annexe would comply with Policy DSP46.

8.4 Policy HP10: (Ancillary Accommodation) of the emerging Fareham Local Plan 2037 is similar to DSP46 in that it states:

“The provision of ancillary accommodation will be permitted, provided that:

- a) It is within the curtilage of the principal dwelling; and*
- b) It is proportionate in size to the principal dwelling; and*
- c) It is of a design and structure that is in keeping with the existing dwelling and respects the character of the local area; and*
- d) There is no boundary demarcation or sub-division of curtilage areas between the principal dwelling and ancillary accommodation; and*
- e) Adequate car parking spaces are provided for both the residents of the principle dwelling and the ancillary accommodation within the dwelling curtilage, in accordance with the Policy TIN1.”*

8.5 In considering the proposal against Policy HP10, as previously stated the proposal is within the curtilage of the principal dwelling and therefore complies with part (a). The annexe is considered to be proportionate in size to the principal dwelling and therefore complies with part (b). It is of a design and structure in keeping with the existing dwelling and respects the character of the local area and therefore complies with part (c). There is no boundary demarcation or subdivision of curtilage areas between the principal dwelling and ancillary accommodation proposed and therefore the proposal complies with part (d). There would be ample car parking provided for both residents of the principal dwelling and the ancillary accommodation and therefore the proposal complies with part (e). It is considered that the proposal would comply with Policy HP10 of the emerging Local Plan.

8.6 The construction of a detached log cabin within the rear garden of the existing dwelling and its unauthorised use as a separate dwellinghouse is an entirely separate matter. An enforcement notice was served in September 2022 to require the cessation of the use of the log cabin as a dwellinghouse by 6th December 2022 which the applicant advises has been complied with.

b) Effect upon the Character & Appearance of the Area

8.7 The annexe is set further back than the existing dwelling, in excess of 20 metres from Knights Bank Road and as such is not considered to be a prominent feature within the streetscene. A detached garage was previously permitted in 2018 within the same position as the annexe with the same height and dimensions. The proposal therefore results in minimal visual change in terms of the extent of development on the site and the loss of space about the dwelling.

8.8 It is proposed that the building will be finished with light grey fibre cement weatherboarding and the roof tiles match the existing dwelling. The annexe would have a single window on the front elevation so would maintain the appearance of an ancillary outbuilding as opposed to a separate dwelling. The annexe has an access door on the side elevation and patio doors at the rear on to a raised terrace which is not visible from the road. It is not considered that the proposed materials or design of the building would result in an unacceptable impact on the character or appearance of the surrounding area.

8.9 A planning condition would be imposed to ensure that no alterations are carried out to the front elevation of the annexe in the future including the installation of additional windows or doors. It is also proposed that permitted development rights should be removed to prevent any sub-division of the shared garden area to prevent the formation of a separate plot without further planning permission first being obtained.

c) Effect upon the Living Conditions of Neighbouring Properties

8.10 Policy DSP3 of the Local Plan Part 2: Development Sites & Policies states that development proposals should ensure that there will be no unacceptable adverse impact upon living conditions on the site or neighbouring development, by way of the loss of sunlight, daylight, outlook and/or privacy. Due to the separation distances involved and the spatial relationship with neighbouring properties it is not considered that the proposal has any materially detrimental impact upon the living conditions of the neighbouring properties by virtue of loss of light, outlook or privacy.

8.11 The annexe would be positioned a minimum of 2 metres from the flank wall of the neighbouring property to the south-west (No.35) and there are no habitable room windows within this elevation. The annexe does not project to the rear of the neighbouring property. The raised terrace at the rear of the annexe does not afford views into the rear garden of the adjacent property.

d) Flood Risk

8.12 The annexe lies within a raised area of the site within Flood Zone 1. The finished floor level of the annexe is set above the estimated flood level of an extreme tidal flood event with a 0.5% annual probability (1 in 200 chance each year) of being equalled or exceeded for the predicted lifetime of the development (100 years) with an allowance built in for climate change. The Environment Agency have raised no objection to the proposal subject to a planning condition securing the minimum floor level of the annexe.

Summary

8.13 In summary the proposal accords with the relevant policies of the adopted Fareham Borough Core Strategy and Fareham Local Plan Part 2: Development Sites and Policies and the emerging Fareham Local Plan 2037 and is considered acceptable.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following conditions;

1. The development shall be carried out in accordance with the following approved documents:

- i) Location Plan – L01 Rev A
- ii) Site Plan – drwg No. 01 Rev D
- iii) Proposed Plans & Elevations drwg No.02 Rev C
- iv) Flood Risk Assessment & Drainage Strategy (Aqua Callidus Consulting, 14 December 2022)

REASON: To avoid any doubt over what has been permitted.

2. The development shall be carried out in accordance with the submitted flood risk assessment (Aqua Callidus Consulting, 14 December 2022) and the following mitigation measures it details:

- i) Finished floor levels shall be set no lower than 4.4 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter

throughout the lifetime of the development.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

3. The annex accommodation hereby permitted shall be occupied only for ancillary residential purposes in conjunction with the use of the principal dwelling Pond House as a single dwelling and shall at no time be occupied separately as an independent unit of accommodation.

REASON: To retain control over the permitted development and to prevent the use of the accommodation as a single dwellinghouse without planning permission.

4. At no time shall any further windows, doors or openings other than those expressly allowed through this planning permission, be inserted into the front elevation of the annexe hereby permitted unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application.

REASON: To protect the character and appearance of the locality.

5. Notwithstanding the provisions of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), the erection or construction of any means of enclosure which would sub-divide the plot of No.39 Knights Bank Road shall not be carried out unless first agreed in writing with the Local Planning Authority following the submission of a planning application.

REASON: To protect the character and appearance of the locality.

Then

9.2 DELEGATE authority to the Head of Development Management to:

(a) agree any necessary modifications to the proposed development; and

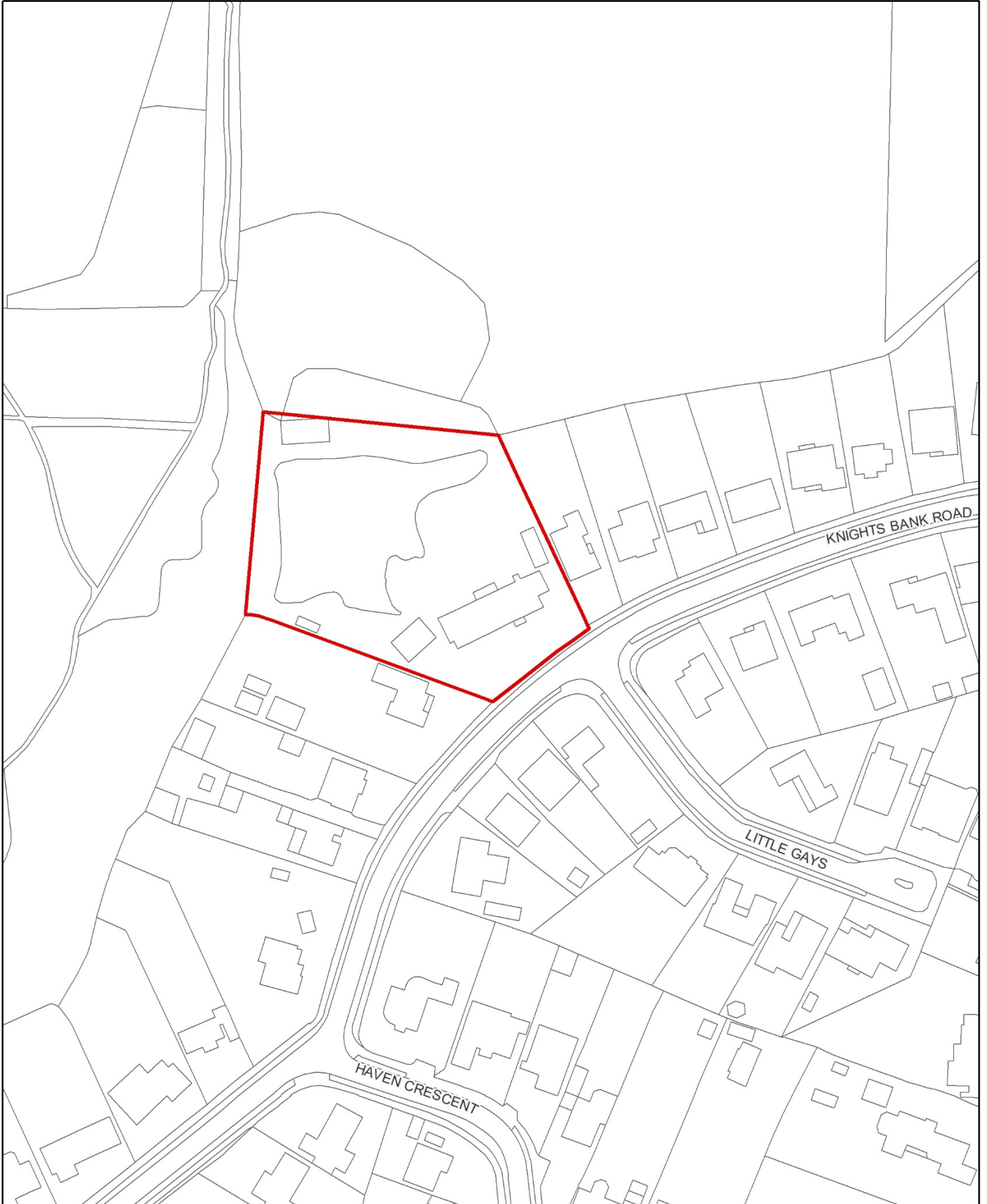
(b) make any necessary modification, deletion or addition to the proposed conditions.

10.0 Background Papers

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



39 Knights Bank Road
Fareham

Scale 1:1,250



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