

**P/14/0455/FP**

**SARISBURY**

MR K PINNICK

AGENT: MR KEN KAPPES

CONVERSION OF GARAGE WITH HOME OFFICE ABOVE TO GARAGE WITH GRANNY ANNEXE

61A SWANWICK LANE SWANWICK SOUTHAMPTON SO31 7DX

***Report By***

Graham Pretty (Ext.2526)

***Site Description***

The application site is located on the south side of Swanwick Lane, towards its eastern end. It comprises a detached chalet dwelling with a 60m deep rear garden which opens out to enclose land to the rear of No.63 to the west. The outbuilding subject of this application is located approximately 2m from the rear boundary of No.63 and less than a metre from the western boundary of the site with No.69. The front elevation of the building is located 15.5m from the eastern boundary of the site with No.61. The closest part of the outbuilding is about 15m from the rear of the main dwelling.

The building currently has permission for use as a garage/store with home office above and has first floor dormer windows looking east.

Access is available from Swanwick Lane along the western side of the property with a block paved drive leading to the outbuilding which has a turning area in front.

The site slopes down to a low valley to the rear. The boundaries with adjoining properties are generally open with post and rail fencing giving a very open aspect across several of the adjacent rear gardens to the east. No.63 is screened by 1.8m fencing.

***Description of Proposal***

The proposal is to convert the existing ground floor store and first floor home office into a self contained annexe, with the garaging retained. No external alterations are proposed to the building.

***Policies***

The following policies apply to this application:

National Planning Policy Framework

**Approved Fareham Borough Core Strategy**

CS17 - High Quality Design

CS5 - Transport Strategy and Infrastructure

**Development Sites and Policies**

DSP2 - Design

DSP3 - Environmental Impact

DSP4 - Impact on Living Conditions

DSP46 - Self Contained Annexes and Extensions

## **Fareham Borough Local Plan Review**

H9 - Annexes For Dependent Relatives

### ***Relevant Planning History***

The following planning history is relevant:

<b><u>P/07/0087/VC</u></b>	<b>VARIATION OF CONDITION 5 OF P/05/1452/FP (TO ALLOW THE FIRST FLOOR OF THE GARAGE TO BE USED AS AN OFFICE IN CONNECTION WITH BUSINESS)</b>
	PERMISSION 15/03/2007
<b><u>P/06/1595/FP</u></b>	<b>ALTERATION TO POSITION OF EXISTING DROPPED KERB</b>
	PERMISSION 17/01/2007
<b><u>P/05/1452/DP/A</u></b>	<b>Erection of Detached Garage/ Workshop with Store Above: Details Pursuant - Cond 3 Tiles - Eternit - Antiques, Bricks - Terca Kassandra Multi: as letter dated 13 January 2006</b>
	DETAIL 08/02/2006
	APPROVAL
<b><u>P/05/1452/FP</u></b>	<b>Erection of Detached Garage/ Workshop with Store Above</b>
	PERMISSION 14/12/2005

### ***Representations***

Four letters have been received objecting on the following grounds:

- Loss of privacy
- The applicants are property developers so that the application may be a forerunner to an application for a dwelling
- Disturbance by additional cars
- What provision will be made for additional cars?
- Possible precedent for further applications for dwellings along the lane.
- Other applications have been refused on the lane as contrary to policy
- The use as a home office is limited but as an annexe the activity would be the whole time
- The building is a significant distance from the main house

### ***Consultations***

Director of Community (Environmental Health) - No objection

Director of Planning and Development (Highways) - No objection

### ***Planning Considerations - Key Issues***

The key issues in this case are:

- The Principle of Development
- Impact upon the Character of the Area
- Impact on Neighbouring Properties
- Highways

### **Principle of development**

This application relates to an existing building. No operational development is involved

since no external changes to the building are proposed. The building may currently be used for incidental purposes under the terms of Planning Permission P/05/1452/FP or as a home office under P/07/0087/VC.

Annexes, both attached and detached, are regularly permitted under policy H9 of the Fareham Borough Local Plan Review. That policy permits such buildings and uses, even in the countryside subject to the annexe being required for 'dependent relatives' of the householder and subject to other matters of impact and the requirements of other adopted policies.

In this case the applicants have confirmed that the annexe would be for their disabled son.

It is the case that the building could currently be used for incidental purposes. Importantly the first floor could be used as a home office in association with the use of the main house; this use is not restricted other than being for the benefit of the owners and could take place at any time. The property has ample garden and car parking to cater for the additional use of the building as an annexe.

Objectors have suggested that the proposed use may be a forerunner to the establishment of a second dwelling on the site. However, should permission be granted for this annexe use, it is recommended that a planning condition be attached restricting the use. Consequently use as a dwelling wholly independent from No.61a would require planning permission. In this context it is noted that the adopted planning Policy suggests that a S.106 obligation should be used to confine the use, however, case law indicates that a S.106 obligation should not be used where a planning condition can achieve the same result. In the case of detached annexes this Council has permitted other applications with a condition only and it is suggested that if permission is granted in this case then a condition would maintain adequate control.

#### Impact on character of the area

The building is existing. No external changes are proposed. There will be no visual impact upon the character of the area as a result of the change of use of the building. From the perspective of the use, the building could now be used incidentally to the dwelling and as a home office, so that it is not considered that the use as an annexe would significantly alter its impact upon the established character of the area.

#### Impact on neighbouring properties

Objectors to the application have expressed concern over the loss of privacy that they believe would result from the change of use. The main aspect of the outbuilding is to the east with two dormer windows serving the first floor space; there is a casement window serving the same space and facing south away from the frontage dwellings. No new openings are proposed and should permission be granted it is suggested that a condition be imposed preventing further openings in the north and west elevations.

The properties to the north and west would not be directly affected by the development. To the east, it must be accepted that the outlook from the building is open across neighbouring gardens. However, the building is situated 15.5m from the eastern boundary. This distance is in excess of that normally accepted for a residential rear garden depth (from the perspective of overlooking); in addition, the building can already be used at any time as a home office. In the light of this and the fact that it is open to individual residents to provide boundary screening to their properties, it is considered that objections on the grounds of overlooking adjacent gardens are not supportable in this case.

Residents have also raised issue with loss of privacy to rear windows. Again there is no issue in respect of the properties to the north and west. To the east the nearest rear windows are in No.61; due to the aspect of the outbuilding to the east in relation to the rear aspect of the frontage properties, looking south, any overlooking between the outbuilding and the rear windows of adjoining properties can only be oblique. Further, the rear elevation of No.61, the closest dwelling to the east, is approximately 28m away.

The objectors have also raised concern over noise and disturbance in particular from additional cars. In this respect the most affected property would be No.63, however, there is already a long paved drive leading to the building, which is a garage. There is a turning facility in front of the building and it is reasonable to expect that any disturbance from vehicles could already occur. Officers do not consider that the additional traffic movements (if any) from a dependent relative would be sufficient to raise objection to the development.

### Highways

The objectors have argued that there is no information in the application relating to car parking for the proposed use. This is the case, however, it is evident on site that there is adequate space on site to accommodate well in excess of the necessary number of car spaces. There is turning available and the Director of Planning and Development (Highways) has raised no objection.

### Other Matters -

Objectors have drawn attention to other cases which they consider have relevance to the application. Specific reference has been made to:

P/09/0582/FP for a summerhouse at 85 - 95 Swanwick Lane. The proposal was to place a building on land outside of the curtilage of any dwelling and which was therefore contrary to policy and different to the current case.

P/04/1278/OA for a detached dwelling rear of 85 Swanwick Lane. This application was with the clear intent of creating a separate dwelling and curtilage, contrary to policy. In the current case, the use as an annexe is permissible under Policy H9 of the Local Plan.

FBC.5747/3 for the change of use of a domestic workshop to commercial use at 57 Swanwick Lane. This application was determined in 1987 but in any event would have been considered through very different criteria to the current case.

It is also argued that the building is sited too far away from the main dwelling to be considered as an annexe. The building is about 15m away from the main house. This separation is dictated by the fact that the building is existing. It is not considered to be so great that it could not satisfactorily function as an annexe and there is no Policy stipulation to be met in this regard.

### Conclusion

The building is existing in the local landscape and will not be physically altered. The proposed use as an annexe is permissible through Policy H9 of the Local Plan Review subject to there being an appropriate functional link with the main dwelling and other matters of impact. The annexe is intended for the applicants disabled son but in the event of the annexe not being required for a dependent relative of the applicants the building could be used as ancillary accommodation.

The building is sited so that whilst there will be an outlook over adjoining gardens and towards adjacent dwellings, these views could be gained already by the unregulated use of the building as an office. Additionally the distances are such that there would be no grounds to refuse permission as a result of loss of privacy.

There is ample parking and turning at the site and there is no objection on highways grounds.

***Recommendation***

Subject to the receipt of amended plans correcting minor discrepancies between the submitted elevations and those on the ground:

***PERMISSION***

No further windows/openings in the north or west elevations; use as annexe for dependent relative or ancillary accommodation and not to be let or sold separately.

***Notes for Information***

P/05/1452/FP;P/07/0087/VC;P/09/0582/FP;P/04/1278/OA;FBC.5747/3; P/14/0455/FP

