



Delegated Report

Application No: 20211435

Location: Sunnyview, Carters Hill Lane, Meopham, Gravesend, Kent, DA13 0UG

Description: Conversion of existing detached double garage to create a self-contained annexe, ancillary to the main dwelling.

Applicant: Mr Phil Palmer

Site Visit Date: Desktop assessment

Submitted Documents/Plans

The applicant has submitted the following in support of the application:

Covering letter received 24 November 2021;
Application form received 24 November 2021;
Site Location Plan received 29 November 2021;
Existing Block Plan received 29 November 2021;
Proposed Block Plan received 29 November 2021;
Drawing no. MAD-438-06 (Existing/Proposed Floor Plans/Elevations) received 29 November 2021; and
Email received from agent dated 20 January 2022.

Relevant Planning History

<u>Application No.</u>	<u>Description</u>	<u>Status</u>	<u>Decision</u>
19930398	Erection of a three bedroom bungalow and detached double garage with garden store and w.c.	Permitted	10.08.1993
19800841	Stationing of a caravan to replace existing chalet	Permitted	23.12.1980

Development Plan

Gravesham Local Plan Core Strategy 2014

CS01 – Sustainable Development

CS02 – Scale and Distribution of Development

CS11 – Transport

CS12 – Green Infrastructure

CS19 – Design and Development Principles

Saved Policies in the Gravesham Local Plan First Review 1994

C13 – Extensions to Dwellings in the Countryside
T1 – Impact of Development on the Highway Network
P3 – Vehicle Parking Standards

Paragraph 33 of the NPPF 2019 sets out that those policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

Other Material Considerations

National Planning Policy Framework 2019

Section 2 – Achieving sustainable development
Section 9 – Promoting sustainable transport
Section 12 – Achieving well-designed places
Section 15 – Conserving and enhancing the natural environment

Supplementary Planning Guidance (SPG)

Gravesham Landscape Character Assessment (2009)
SPG2 – Residential Layout Guidelines (2020)
SPG4 – KCC Parking Standards (2006)
Technical Housing Standards – Nationally Described Space Standards (2015)

Consultations, Publicity and Representations

Meopham Parish Council

We object to this application as we believe it would create a second self-contained dwelling and thus would constitute over-development in the Green Belt.

GBC Engineering

As presented, this has the potential to be an independent dwelling so care must be exercised.

There must be sufficient space for three cars, two for the existing dwelling plus one for the conversion. The drawings show this can be met.

However, as no spaces are allocated, the conversion is only acceptable if it is ancillary to the occupation of the main dwelling. Anything different would require an allocated parking space and a demonstration by tracked/swept paths that all spaces are readily accessible.

Neighbouring properties

The application has been advertised by individual neighbour letters to 5 properties, and on site. The consultation periods expired on 22 and 31 December 2021 respectively.

No letters of representation have been received.

Local Ward Councillors were also consulted and no responses were received.

Analysis

Proposal

This application seeks permission for the conversion of the existing detached double garage to

create a self-contained annexe, ancillary to the main dwelling.

Condition (xiii) on planning permission 19930398, which granted the bungalow and garage on this site, restricted the use of the garage for parking and therefore planning permission is required for its conversion.

The submitted plans show the accommodation will comprise a single bedroom, a lounge/dining room, a kitchen, and a shower room. The exterior changes would include the installation of a window to the side (north) elevation to serve the bedroom, a door and window to the side (south) elevation giving access to the lounge/diner, a door and two new windows in the rear (east) elevation to the kitchen and shower room, and windows in place of the existing garage doors on the front (west) elevation.

No other changes are proposed.

The agent has confirmed via email that the proposed annexe is for the sole use of the householder's elderly father, and the family have made the decision to convert the garage into habitable space for him rather than choose the carehome option.

Principle Issues

The main issues to consider in the determination of this application are the principle of the development in the Green Belt, and the impacts on the character and appearance of the surrounding area, on residential amenities and on highways.

Principle of Development in the Green Belt

Sunnyview is a detached bungalow on a long, narrow plot with a detached double garage to the front of the property (measuring approximately 6m wide by 7m long, between 2.2m and 2.4m to eaves level and 3.9m to the top of the pitched roof), with a parking area to the front of the garage. The garage also has an existing toilet and WC within in. The site lies in the Green Belt, outside the rural settlement boundary of Culverstone Green.

Green Belts are of great importance. The fundamental aim of Green Belt policy is to prevent urban sprawl by preserving the open and permanent characteristics of Green Belts (paragraph 137 of the NPPF 2021). Paragraph 147 of the NPPF 2021 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

There are no specific NPPF or local plan policies that relate to the creation of annexe accommodation at existing dwellings. As such, it is necessary to consider the general policies that relate to development in the Green Belt. Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt (paragraph 149 of the NPPF 2021). However, there are exceptions to this, which, as in the case of this proposal, include:

- (c) the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building;
- (g) the partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development or would not cause substantial harm to openness and would contribute to meeting an identified affordable housing need.

Certain other forms of development are also not inappropriate in the Green Belt provided they

preserve its openness and do not conflict with the purposes of including land within it. As in this case, these include the re-use of buildings provided that the buildings are of permanent and substantial construction (paragraph 150 of the NPPF 2021).

Policy CS02 of the Core Strategy 2014 prioritises development in the urban area as a sustainable location for development. In the rural area it states that development will be supported within rural settlements that are inset from the Green Belt and defined on the Policies Map. Development outside those settlements (which is the case here), will only be supported where it is compatible with national policies for protecting the Green Belt and policies in the Core Strategy 2014.

Saved Policy C13 of the Local Plan 1994 relates to extensions to dwellings in the countryside, and generally seeks to maintain the open character of the Green Belt and retain a stock of rural dwellings of modest size.

The most relevant section of Policy C13 is part (iv), which requires that the extension shall not be in a form that would facilitate the future formation of a separate residential curtilage. This is always a key planning concern with annexes, even when they are not within the Green Belt.

Whilst it is recognised that the application proposal involves the conversion of an existing outbuilding with no additional extensions, which would be in line with paragraphs 149(c) and 150 of the NPPF 2021, there is a concern that the proposal has the real potential not to be ancillary to the main dwelling on the site. The annexe could very easily have its own independent access as it is located to the front of the main dwelling, and it would contain all the necessary accommodation to be able to be occupied as an independent dwelling. A subdivision of this plot would be likely to lead to additional parking requirements, hardstanding, boundary treatments, and other domestic paraphernalia that would all have a negative impact on the openness of the Green Belt. Such a proposal would not be acceptable.

However, planning permission is being sought for the **ancillary** use of the annexe. It is helpful to consider case law in terms of the assessment of whether the annexe is ancillary or a separate planning unit.

Case Law

The use of an existing outbuilding for ancillary residential accommodation in association with a main dwellinghouse does not require planning permission provided it complies with Sec. 55(2)(d) of the 1990 Act that provides that the use of buildings within the curtilage of a dwellinghouse for any purpose “incidental to the enjoyment” of that dwellinghouse is not development. The position with regard to residential use of a new outbuilding is different.

A number of cases, detailed below, have shown that for the purposes of Sec. 55(2)(d) “incidental to the enjoyment” may be interpreted generously. The creation of an annexe from an existing outbuilding would therefore be unlikely to require permission provided the building was occupied by a family member. However, the situation is not as clear where the occupant is someone who is not a member of the family but has a strong functional connection with the main dwelling, for example, a housekeeper or handyman.

If the accommodation created constitutes a separate planning unit, this then is not an incidental use, as Sec. 55(3)(a) makes clear. Any separate residential occupation of a building or buildings formerly within an existing single residential planning unit is development by virtue of Sec. 55(3)(a) of the 1990 Act, as confirmed by *Wakelin v SoS* 1978, a case in which a large house with a lodge that had been converted into two flats used as guest suites was proposed to be converted into a separate dwelling and sold off. The court held that the house, lodge and grounds were one planning unit and that to sever the lodge would constitute a material change of use.

In essence, an annexe will become a separate single dwellinghouse where it is self-contained with all the necessary day-to-day living facilities and has resulted in the creation of a separate planning unit. *Uttlesford DC v SoS and White 1992*, in which a garage attached to a dwelling had been converted to a 'granny annexe', provides leading case law on the matter. In *Uttlesford* an inspector had determined that where a domestic garage within a residential curtilage was used for living accommodation in connection with the dwelling, no material change of use occurred. The court agreed, ruling that the fact that the elderly occupier of the annexe had all the living facilities that enabled her to live independently from the rest of the family did not amount to the creation of a separate planning unit that required permission. The significance of this case is that the even though the accommodation in the garage was capable of independent use, the court judgment suggested that a quality of separateness was occupation by someone who was not connected with the family occupation of the whole planning unit.

Identifying a separate planning unit requires consideration of a range of factors and not simply the self-containment of the accommodation, and is a matter of fact and degree. In her decision to grant permission for the conversion and extension of an outbuilding at a house in the Essex green belt to a residential annexe, notwithstanding the Council's concern that it would result in the creation of an independent residential unit, the Inspector in *Castle Point 27/11/2020 DCS No 400-028-727* relied on the *Uttlesford* judgment. The Council had reached its own view that the proposal was tantamount to a new dwelling with reference to *Gravesham BC v SSE 1984* because the accommodation provided all the facilities for independent day-to-day living. The Inspector, however, followed the more recent and relevant case law in *Uttlesford*, stating that even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling and it was a matter of fact and degree whether a change of use had occurred.

In the case before her, the inspector recorded that whilst the extension and conversion of the outbuilding would provide all the facilities for day-to-day living, it would function as an annexe, with the primary occupants also sharing living space, eating and socialising with the rest of their family in the main dwelling. There was a paved footpath between the annexe and the main house allowing easy access between the two. As such, she held that the garage conversion would remain part of the same planning unit as the main dwelling. Based upon the evidence before her the inspector was satisfied that the proposal related to an annexe. She allowed the appeal subject to a condition that it should not be severed from the main house by reason of being sold or let as a separate unit of accommodation.

In reaching her decision, the inspector noted that reference had also been made to *Carter v South Bucks DC 2011* but considered that case was different in that a garage had been converted into a three-bedroomed property with a substantial conservatory extension. It had its own garden, separated from the main dwelling by fencing, trees and shrubs, with no footpath linking the two buildings. Whilst family meals were taken together that was in the substantial garage conversion rather than in the host dwelling. As a matter of fact and degree in that case it was found that a new planning unit had been created.

In this case, whilst the proposed annexe would be capable of being occupied independently, the garage is located only approximately 7m immediately to the front of the main house, and is linked to it by pathways, which clearly connects the garage to the main dwelling. The size of the accommodation would also be very modest and would not adequately serve as a separate self-contained unit of accommodation. Furthermore, it has been made clear that the annexe is for the sole use of the family's elderly father.

It is on this basis and in considering the above case law, as a matter of fact and degree, a new planning unit would not be created at the application site, and the proposal would therefore comply with saved Policy C13 of the Local Plan 1994, Policy CS02 of the Core Strategy 2014 and paragraphs 149 and 150 of the NPPF 2021.

Nevertheless, given the concern relating to the potential for plot severance in this Green Belt location, it will be essential to impose a condition restricting the use of the annexe as ancillary and related to the main dwelling, and when it is no longer required for such a use, to return to its former use.

Design and Character and Appearance of Surrounding Area

Development Plan policy places considerable emphasis on the importance of achieving high quality, beautiful and sustainable buildings and places. Paragraph 130 of the NPPF 2021 seeks to ensure that development will add to the quality of an area, be visually attractive, and sympathetic to local character and history. Policy CS19 of the Core Strategy 2014 reflects these aims and requires that new development is well designed and respects the character and appearance of the surrounding area.

The application site lies in the countryside, in the Green Belt and in the Meopham Downs Landscape Character Area. With regard to the impact on the landscape, Policy CS12 of the Gravesham Core Strategy 2014 is relevant to this application, relating to green infrastructure. This policy states that the overall landscape character of the Borough will be conserved, restored and enhanced and that the Gravesham Landscape Character Assessment (LCA) 2009 will be taken into account in determining applications. The Meopham Downs Landscape Character Area comprises gently undulating topography with a mixture of arable and pasture farmland. The LCA recognises the overall condition of the landscape as good and the sensitivity of the area as moderate. It is recommended that the key landscape elements should be conserved and reinforced.

Paragraph 137 of the NPPF 2021 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also states that the essential characteristics of Green Belts are their openness and permanence. Paragraph 001 of the Planning Practice Guidance 2019 on Green Belts looks to assess the impact of a proposal on the openness of the Green Belt by taking into account the spatial and visual aspects of a development, its duration and remediability, and the activity levels generated.

In this case, the proposed conversion of the existing garage to ancillary residential accommodation alone will not harm the openness of the site or the character of the site and surroundings, as the only apparent changes would involve the addition of windows and doors to the existing garage. As an existing outbuilding with no additions, the proposed garage conversion to an annexe would remain subservient to the original property.

In summary, it is considered that the proposed garage conversion to an ancillary annexe would preserve the openness of the Green Belt and the rural landscape character and appearance of the site and surrounding area. Provided the proposed materials match the existing, the proposal is considered acceptable in design terms. As such, the proposal would comply with the requirements of Policies CS02, CS12 and CS19 of the Core Strategy 2014, and paragraphs 130, 137 and 174 of the NPPF 2021.

Residential Amenity

The NPPF 2021 states that planning decisions should aim to secure a high standard of amenity for all existing and future users (paragraph 130f). The impact on amenity is also considered with regard to the criteria within Policy CS19 of the Core Strategy 2014, which states that new development should be located, designed and constructed to safeguard the amenity, including privacy, daylight and sunlight, of its occupants, and those of neighbouring properties and land.

Future Occupiers

In terms of additional living accommodation, the proposal will add a further one bedroom to the application property, bringing the total number of bedrooms to 4. Garden space around the property will not be affected, as there are no external additions proposed. There is therefore no conflict with Policy CS19 of the Core Strategy 2014, or the standards set out in the NDSS 2015 and SPG2 in respect of the accommodation standards and retained garden for future occupants of the dwelling.

If the proposed annexe were to be severed from the main dwelling there would be various amenity concerns: Given the small size of the proposed annexe with an internal floor area of 30m², it would not adequately serve as an independent self-contained unit of accommodation on a long-term basis, as it is below the 39m² space required in the NDSS 2015 for a 1 bedroom, 1 person single storey dwelling. There would be likely to be overlooking issues for occupiers of the annexe caused by the proximity of neighbouring windows well below the recommended 21m in the Residential Layout Guidelines SPG. Furthermore, there would be an inadequate amount of amenity space for occupiers of the annexe.

However, as discussed above, the proposed condition restricting the annexe as ancillary accommodation related to the existing main dwelling would help prevent any such impacts on amenities. A condition restricting the physical subdivision of the plot with fencing etc. would also be appropriate in this instance.

Neighbouring Properties

As there are only minor elevational changes proposed with this garage conversion, the proposal would not cause any loss of light or privacy to neighbouring properties. Overall, the proposal would therefore safeguard the amenities of neighbouring properties, and as such, would comply with Policy CS19 of the Core Strategy 2014 and paragraph 130(f) of the NPPF 2021. No neighbour representations have been received.

Parking and Highways

The parking requirement for this proposal is that there must be sufficient space for three cars, two for the existing dwelling, plus one for the conversion. The submitted drawings show this can be met on the existing driveway, and that the parking provision will not change from the existing situation.

However, as no spaces are allocated, the conversion would only be acceptable if it is ancillary to the occupation of the main dwelling. This would be ensured by the proposed restricted ancillary use condition discussed above. On this basis, it is therefore considered that there would be no adverse parking or highways impact from the proposal. The proposal would comply with Saved Policy P3 of the Local Plan First Review 1994 and Policy CS19 of the Core Strategy 2014.

Conclusion

Subject to conditions, the proposal is considered to be appropriate development in the Green Belt where openness is preserved, plus it is acceptable in terms of the design and impact of the garage conversion on the application site itself and on the character and appearance of the surrounding rural area, and with regards to residential amenity and highway matters. The proposal would therefore comply with the requirements of saved Policy C13 of the Local Plan 1994, Policies CS11, CS12 and CS19 of the Core Strategy 2014, and paragraphs 111, 126, 130, 137, 138, 149, 150 and 174 of the NPPF 2021.

Recommendation:

Approval with conditions.

See draft Decision.

Case Officer: Katherine Parkin	Team Leader: Faye Hobbs
Signed: K. Parkin	Signed: 
Dated: 20/01/2022	Dated: 21 January 2022