

WELWYN HATFIELD BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE – 31 JANUARY 2019  
REPORT OF THE CORPORATE DIRECTOR (PUBLIC PROTECTION, PLANNING  
AND GOVERNANCE)

6/2018/2690/HOUSE

18 CRANBORNE ROAD HATFIELD AL10 8AP

ERECTION OF A REAR GARDEN ANNEXE

APPLICANT: Ms O Latter

(Hatfield East)

**1 Site Description**

- 1.1 The application site comprises a detached house and gardens located on the north side of the Cranborne Road. The street scene is residential in character, comprising generally two storey houses of varying architectural design set within spacious plots. The site is bound to the north by a recreation ground, which is mostly screened by Leylandii hedging and mature trees. There is no formal right of access from the garden to the land behind.
- 1.2 The application dwelling features a gabled roof design with a front rooflight and two rear dormer windows which were implemented to facilitate the conversion of the loft to habitable rooms. It is finished with white painted render and a plain tiled roof. A garage is attached to the side elevation of the property
- 1.3 The property has a large rear garden measuring approximately 30 metres in depth x 16 metres in width. Towards the rear of the garden are two small garden sheds which are of a modest height and are mostly screened from neighbouring occupiers by vegetation and boundary fencing. The garden is accessible through the house, garage and a narrow gated side passage leading from the front of the property.

**2 The Proposal**

- 2.1 The applicant seeks planning permission for the erection of an outbuilding in the rear garden to be used as an annexe. It would replace one of the existing sheds, which would be re-located.
- 2.2 The footprint of the annexe would measure approximately 11.1 metres in width and 5.2 metres in depth. It would feature a flat roof and have a ridge height of approximately 2.74 metres. The annexe would be set in a minimum of 2 metres from the flank site boundaries on both sides; and between 1.2 metres and 4.4 metres from the rear boundary (the boundary line is angled). Approximately 18.5 metres would separate the annexe from the host dwelling.
- 2.3 The external walls would be finished in 'thermowood' timber cladding, with an exterior frame of black stained redwood timber. The roof would be clad with black rubber.

- 2.4 The building would be used as an annexe for members of the applicant's family to occupy in association with the main house. It would contain two bedrooms with en-suite bathrooms, as well as a kitchen/living space.

### **3 Reason for Committee Consideration**

- 3.1 This application is presented to the Development Management Committee because Councillor Hebden has called-in the application:

*"I would like to provisionally call in this application, should the planning officers be minded to recommend approval of the current plans. The address is a 6 bedroom house and further accommodation is not a necessity. There is a concern that the annexe could/would be used as an independent dwelling, Air B&B or HMO for non-family members."*

### **4 Relevant Planning History**

- 4.1 Application Number: S6/2007/1666/FP  
Decision: Granted  
Decision Date: 21 December 2007  
Proposal: Proposed rear dormer
- 4.2 Application Number: S6/2007/0060/FP  
Decision: Refused  
Decision Date: 12 March 2007  
Proposal: Proposed rear dormer
- 4.3 Application Number: S6/1980/0819/  
Decision: Granted  
Decision Date: 12 January 1981  
Proposal: Single storey side extension to provide a garage
- 4.4 Application Number: S6/1980/0570/  
Decision: Granted  
Decision Date: 15 September 1980  
Proposal: Two storey rear extension

### **5 Relevant Planning Policy**

- 5.1 National Planning Policy Framework 2018 (NPPF)
- 5.2 Welwyn Hatfield District Plan 2005 (Local Plan)
- 5.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan 2016)
- 5.4 Supplementary Design Guidance 2005 (SDG)
- 5.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)
- 5.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

### **6 Site Designation**

- 6.1 The site lies within the Town of Hatfield as designated in the Welwyn Hatfield District Plan 2005.

## **7 Representations Received**

7.1 The application was advertised by means of a site notice and neighbour notification letters. Two objections have been received from the occupiers at 16 and 20 Cranborne Road, which may be summarised as the follows:

- The proposed annexe could be used as a self-contained house with independent access, by people outside of the family home.
- Overbearing impact on amenity
- The outbuilding will reduce the value of the neighbouring properties.
- The outbuilding would will be out of keeping with the character of the road.
- Suggested conditions if the application is approved:
  - The building must not be occupied at any time other than for purposes ancillary to the residential use of the principal house and by the occupants of that house.
  - No kitchen be permitted in any part of the building at any time.
  - Access to the building must only be through the principal house.
  - The existing fence between no.16 and the Property must be replaced with a fence 6 feet in height along the legal boundary before any building works commence.

## **8 Consultations**

8.1 Hatfield Town Council: No response.

## **9 Analysis**

9.1 The main planning issues to be considered in the determination of this application are:

1. Principle of the proposed use
2. Quality of design and impact on the character and appearance of the area
3. Impact on the living conditions of neighbouring occupiers and future occupiers
4. Impact of Development upon Highways and Parking

### **1. Principle of the proposed use**

9.2 Class E of Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) Order (2015) states that development would not be permitted development if the height of the building, enclosure or container would exceed 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse. The proposed outbuilding measures approximately 2.74 metres in height and is set in approximately 1.2 metres from the rear boundary. As the height exceeds the 2.5 metre limit set out above, planning permission is required.

9.3 The Design and Access Statement supplied with the application states that the building is to be occupied as ancillary accommodation for relatives of the owners of the main house and will not be occupied separately. It refers to the building being accessed via the main house or its gated side passage. A supporting document confirms that the annexe will be entirely ancillary to the house from which all other living requirements will be supplied, and not occupied or sold independently of the main property.

- 9.4 It is acknowledged that the proposed annexe contains all the necessary facilities required for independent living, albeit in a compact area. However, as was made clear in the Uttlesford<sup>i</sup> court case, even if an outbuilding contains the accommodation to enable independent living, provided that there is a clear functional link between the house and the outbuilding, then it is a matter of fact and degree to determine whether an additional planning unit is created.
- 9.5 In this case, the applicants advise that the annexe is required to provide ancillary accommodation for their teenage children. This is in order to allow them some independence after finishing university whilst still maintaining a functional link with the main dwelling.
- 9.6 Whilst the outbuilding would have a footprint of approximately 58 square metres, it would not appear unduly large given the extent of the garden in which it would be sited and the spacing around the building. Moreover, the single storey outbuilding would appear subservient in scale to the two-storey house. In any event, while comparative scale is a relevant consideration it is not a determinative factor: the size of the proposed outbuilding does not preclude it from being used for purposes incidental to the dwellinghouse.
- 9.7 It would share the same access from Cranborne Road as the main house; it would not have its own curtilage; it would not have its own separate postal address; and nor would services be separately metered: the electricity and water would connect to the existing supply and the existing bins would be used for refuse.
- 9.8 The use of the outbuilding as an annexe in the manner described in the application would be a use that is part and parcel of the use of the existing dwellinghouse. There is no contrary evidence or any other reason to doubt the intentions of the applicant or disbelieve their statement. It is understandable that neighbouring residents do not want to see a separate residential use being established in the garden of number 18, but fortunately this is not the case here. The proposal is to use the outbuilding as a typical annexe, and as a matter of fact and degree, it is considered incidental to the use of the main dwelling.
- 9.9 Moreover, if in the future the outbuilding was to be used as a dwelling, a planning application for change of use would be required and tested against the prevailing national and local planning policies at the time. Where there are sound planning reasons why the creation of an additional dwelling would be unacceptable, it is appropriate to impose a planning condition to the effect that the building permitted must be used solely as accommodation incidental to the main dwelling house. Such a condition is widely used and forms part of national planning guidance (PPG para 21), and recommended condition 1 is to this effect.

## **2. Quality of design and impact on the character and appearance of the area**

- 9.10 District Plan Policies D1 and D2 and the Emerging Local Plan Policy SP9 seek to ensure a high quality of design which relates to the character and context of the dwelling and surrounding area. These policies are in line with the National Planning Policy Framework (NPPF) in that planning should require good design.
- 9.11 The policies are expanded upon in the Council's Supplementary Design Guidance (SDG), which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises

with the existing buildings and surrounding area. Paragraph 5.1 of Section 5 of the Supplementary Design Guidance states that extensions to dwellings may take the form of new development to add space to the existing dwelling for the current occupiers or use by a dependent relative, such as a 'Granny' annexe. The courts have held that a domestic outbuilding can be regarded as part of the dwelling<sup>ii</sup>. Extensions should be designed to complement and reflect design and character and be subordinate in scale.

- 9.12 The proposed outbuilding would be located to the rear of the garden, replacing an existing wooden shed which will be relocated within the site. It would also be clad in natural timber - a material commonly used for outbuildings in both urban and rural areas. The windows, doors, guttering and rainwater goods would be black UPVC to match the black timber frame. The roof height would measure approximately 2.74 metres and would be of a flat roof design which minimises the bulk and scale of the development.
- 9.13 The outbuilding would sit comfortably within the context of a wide and spacious garden. Given that a substantial area of outdoor amenity space would remain, the outbuilding would not appear dominant in its setting nor compromise the functionality and usability of the garden.
- 9.14 The annexe would not be visible from Cranborne Road, however, due to its siting, there may be glimpsing views from the recreation ground to the rear. Taking into consideration the boundary fence and established planting which mostly screen the rear of the site, along with the proposed sympathetic choice of materials, the outbuilding would not be detrimental to the character and appearance of the surrounding area and street scene.

### **3. Impact on living conditions and the residential amenity of adjoining neighbours**

- 9.15 With regard to the impact on the amenity of adjoining neighbours, Policy D1 and the SDG states that any extension should not cause loss of light or appear unduly dominant from an adjoining property. Policy SADM11 aims to preserve neighbouring amenity. Furthermore, guidance in paragraph 124 of the NPPF says that good design is a key aspect of sustainable development, creates better places in which to work and live and helps make development acceptable to communities.
- 9.16 No.16 and No.20 Cranborne Road are the two directly adjoining neighbours and have submitted objections to the proposal. The two dwellings are the most likely to be affected by the proposed outbuilding. The land to the rear of the application site slopes upwards slightly which may elevate the outbuilding somewhat, however the proposed annexe would be partially screened by existing boundary treatments and landscaping and would maintain a minimum of 2 metres from either side of the boundary. This combined with a maximum roof height of approximately 2.74 metres would not present an unduly overbearing impact or loss of light to neighbouring rear gardens.
- 9.17 It is acknowledged that the proposed outbuilding would feature windows and doors, meaning views would be possible over the existing height of the boundary fencing, however, the side windows are obscure glass and at a high level. While views could be obtained of the neighbour's gardens, it is unlikely that the outbuilding would result in any undue overlooking of the dwelling or the patio

area to the rear of the neighbouring properties over and above the existing situation.

- 9.18 In summary, giving consideration to the positioning and scale of the proposal, along with existing boundary screening, it is considered that the proposal would not have an unreasonable impact on light amenity or the level of privacy afforded to the neighbouring residencies and would not appear visually overbearing. Overall it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level.

#### **4. Impact of Development upon the Highway and Parking**

- 9.19 The property currently benefits from 6 bedrooms. As a result of the development, the number of bedrooms at the application site would increase to 8 bedrooms. The Council's parking guidance suggests that a dwelling with four or more bedrooms should be provided with 2 on-site parking spaces.
- 9.20 The site currently benefits from a driveway, which is able to accommodate 2 on-site parking spaces, as well as a garage which would provide a third space. The site also benefits from a sufficient frontage, where if necessary, additional parking could be created in the future. Parking on the road is possible too, however there are parking restrictions in place on Cranborne Road between 8-10am Monday to Friday, except bank holidays. Given the above, it is considered that the existing level of parking is acceptable.
- 9.21 In terms of sustainable transport, the site is well located within walking or cycle distance of Hatfield Town Centre and Hatfield Railway Station. The area is also well served by bus services. The site is therefore considered to be one of the most sustainable locations in the Borough given that it is highly accessible for local amenities and accessible to a number of modes of transport other than by use of a private car.

#### **10 Conclusion**

- 10.1 The proposed development has been assessed against the policies of the Local Plan, Emerging Local Plan and NPPF. The proposal is to use the outbuilding as a typical annexe, and as a matter of fact and degree, it is considered incidental to the use of the main dwelling. It has been found to be acceptable in all planning respects, subject to conditions, in terms of impact on: the character of the area; living conditions of neighbouring occupiers; and parking.

#### **11 Recommendation**

- 11.1 It is recommended that planning permission be approved subject to the following conditions:
1. The building hereby approved must not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as No.18 Cranborne Road and shall at no time be occupied as an independent residential unit.

REASON: To prevent the undesirable establishment of an independent residential unit which could potentially give rise to an over intensive use of the site resulting in harm to the amenities of the area and the living conditions of existing and future occupiers of the application site and neighbouring properties.

## DRAWING NUMBERS

The development/works shall not be started and completed other than in accordance with the approved plans and details:

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
1045/01	C	Proposed Floor Plan	9 November 2018
1045/02	D	Proposed Elevations	9 November 2018
930218	C	Site Plan as Proposed	9 November 2018
930118		Site Plan As Existing	22 October 2018
100053143		Block Plan	22 October 2018
Location Plan		Location Plan	22 October 2018

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

## POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

### **Informatives**

1. The applicant should be aware that the use of the outbuilding as a separate dwelling would require a separate grant of planning permission.

Emily Stainer (Development Management)  
Date: 04/01/2018  
Expiry Date: 01/02/2018



 <p><b>WELWYN HATFIELD</b></p> <p>Council Offices, The Campus Welwyn Garden City, Herts, AL8 6AE</p>	Title: 18 Cranborne Road Hatfield		Scale: DNS
			Date: 2019
	Project: DMC Committee	Drawing Number: 6/2018/2690/HOUSE	Drawn: Ida Moesner
	© Crown Copyright. All rights reserved Welwyn Hatfield Borough Council LA100019547 2019		

<sup>i</sup> **Uttlesford District Council v Secretary of State for the Environment and White [1991]**

<sup>ii</sup> **Sevenoaks District Council v SSE and Dawe [1997]**