

TWC/2018/0749

Annexe, 7 Limekiln Lane, Lilleshall, Newport, Shropshire, TF10 9EY
Removal of condition 3 on planning application W2003/0015 relating to the occupation of annexe as separate residential accommodation.

APPLICANT

John Hockin

RECEIVED

11/09/2018

PARISH

Lilleshall

WARD

Church Aston and Lilleshall

THIS APPLICATION HAS BEEN CALLED TO COMMITTEE AT THE REQUEST OF CLLR ANDREW EADE

1. SUMMARY RECOMMENDATION

- 1.1 It is recommended that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to REFUSE FULL PLANNING PERMISSION.

2. APPLICATION SITE

- 2.1 The site is located in Lilleshall, an established village located approximately 2.2 miles south of Newport and 4.5 miles north of Telford's Town Centre.
- 2.2 The application site, No. 7 Limekiln Lane is a large detached dwelling, traditional in appearance forming part of the historic character of the village. The property has a large driveway to the east, fronting the highway and large gardens to the south and west of the site.
- 2.3 The annexe, to which this application relates, is situated to the west of the site, to the rear of the dwelling and set within the property's existing garden. The annexe is a brick built single storey building, traditional in appearance, similar to the dwelling and was previously a brick shed which received planning permission to be renovated into an ancillary annexe, therefore constituting a historic part of the dwelling's curtilage. The building has a small amount of amenity space which is separated by a brick wall from the garden of the main dwelling, however there is an arched entrance which connects the two.
- 2.4 Access to the annexe is currently achieved through a side gate of the existing garden, and the existing tenants utilise the driveway of the main property to park their vehicles which they share with the current owner of the main building - the annexe itself not benefitting from any separate parking provision. The annexe is self-contained insofar as it contains a bedroom, living space, kitchen area and bathroom.

3. APPLICATION DETAILS

- 3.1 The application proposes to remove a Planning Condition included within the Approval for the conversion of the outbuilding into an annexe. The Condition preventing the annexe being sold or let separately to the main dwelling and ensuring that the annexe is retained as an ancillary part of the primary dwelling.
- 3.2 The current application proposes to remove this Condition such that the annexe can be let out to a separate occupier to that of the primary house, namely an occupier who is not a relative of the owners of the property, and not the owners themselves. The request to remove the Condition is to allow letting only, and not to allow the building to be sold separately.
- 3.3 The Condition in which this application relates is Condition 3 on the original consent ref.: W2003/0015 (Alterations to existing outbuilding to provide ancillary living accommodation) reads as *'the development hereby permitted shall only be used as an integral part and incidental to the enjoyment of the existing dwelling, Beaufort Lodge, and shall not at any time be occupied as separate residential accommodation.'*

4. RELEVANT PLANNING HISTORY

- 4.1 W2003/0015 - Alterations to existing outbuilding to provide ancillary living accommodation - Full Granted 08/04/2003

5. RELEVANT POLICY DOCUMENTS

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Telford & Wrekin Local Plan 2011-2031

6. NEIGHBOUR REPRESENTATIONS

- 6.1 Six neighbouring properties have been formally consulted on the proposal and the Local Planning Authority have received no comments as a result of this consultation.

7. STATUTORY CONSULTEES

- 7.1 Lilleshall Parish Council: No comments received.
- 7.2 Cllr. Andrew Eade: **Supports** the application and wishes the application to be heard at planning committee if the Local Planning Authority are minded to refuse the application. Considers the application complies with HO10 as infill housing in the rural area.
- 7.3 Built Heritage Conservation: **No objection.**
- 7.4 Drainage: **No comment**

8. APPRAISAL

- 8.1 The proposal is for an existing ancillary annexe to become a separate planning unit to the host dwelling, whereby it is currently subject to a restriction by means of Condition to restrict this. It is noted that the Applicant wishes only to let out the annexe and has expressed no interest in selling the building, however were the building to be sold or rented separately, this would, for the purposes of planning be a separate unit in its own right.
- 8.2 With this in mind, the Local Planning Authority do not consider the annexe is appropriate to form a new dwelling in its own right. In order to access the annexe, it is necessary to cross through the rear garden of the host dwelling and accordingly is considered to be inappropriate backland development. The building has no visible street frontage and has a reliance on crossing through the existing property in order to achieve access. The proposal therefore fails to comply with Telford & Wrekin Local Plan Policy BE1 which states that new development should respond positively to its context and provide integrated landscaping and parking in its design approach.
- 8.3 The separation of this building to form a new dwelling would cause unfavourable fragmentation of the existing curtilage, and the new dwelling would have no on-plot car parking provision to support it as a standalone dwelling. The Telford & Wrekin Local Plan Parking Standards state that a one bedroom dwelling within the rural area should provide at least 1 parking space, and as such the proposal fails to meet this requirement. The lack of any parking provision is likely to encourage on-street car parking on the highway and create potential conflicts and safety issues with other road users and therefore fails to comply with Telford & Wrekin Local Plan Policy C5 which ensures developments provide sufficient parking provision.
- 8.4 Cllr Andrew Eade and the Applicant consider that the building complies with Policy HO10 as it constitutes infill housing within the rural area and is helping to meet the rural housing requirement. Officers acknowledge that the site is located within Lilleshall which is a village within the Local Plan which has been identified as suitable for housing, and is a sustainable location close to services and employment. However, when reviewing policy HO10, Officers must also consider if the proposed new housing is appropriate in terms of location, scale, design, and in terms of technical details such as the provision of parking and private amenity space. These details are also reviewed in respect of Telford & Wrekin Plan policy SP4 to assess the overall sustainability of a proposal.
- 8.5 Officers consider that the circumstances in which this annexe is sited do not represent an appropriate form of sustainable development, as it is situated at the rear of an existing dwelling with no visible street frontage and with limited amenity space and no parking provision to support it. Furthermore, the building has a reliance on the host dwelling as it requires the occupier to cross boundaries to access it. Officers consider the Condition was imposed upon the property when permission for the conversion of the outbuilding to an annexe was granted as it was not appropriate to function as a standalone dwelling. The Planning Report at that time references the necessity of this

Condition, stating that a separate dwelling on the site would be unacceptable as a result of the access arrangements and layout of the building within the plot. Whilst Officers acknowledge that the location of the annexe within Lilleshall may be considered to be sustainable due to its close proximity to services and employment, the context of the site and the annexe's location within the plot do not allow it to be a sustainable form of development.

- 8.6 It is also noted, as a result of the relationship between the two buildings and the separation of the annexe from the host dwelling that there would likely be concerns in respect of noise and loss of privacy to the existing dwelling as it would involve the occupiers crossing through the existing property to access the annexe. It is considered that the private amenity space for the host dwelling would be significantly impacted if the buildings were to be separated and sold in the future, as there is no route to access the annexe which would not cause disturbance to the host dwelling, the proposal therefore constitutes an unacceptable intensification of the plot. Telford & Wrekin Local Plan Policy BE2 states that residential alterations should be placed suitably without adversely affecting the existing property. Whilst the annexe currently complies with this Policy as it is an ancillary addition, the proposal and utilisation of this building as a separate dwelling would be unacceptable in respect of noise and disturbance upon the host dwelling and would no longer comply with Policy BE2.

9. CONCLUSION

- 9.1 The removal of Condition in this instance is considered to be unacceptable as it would result in an existing annexe becoming a standalone dwelling, and in doing so creating a fragmentation of the curtilage of the existing property and an inappropriate intensification of the site. The proposal would form a backland development which does not have the ability to provide sufficient, safe parking for residents. The proposal is therefore considered to be contrary to Telford & Wrekin Local Plan policies SP4 Presumption in favour of sustainable development, BE1 Design Criteria, BE2 Residential Alterations, C5 Design of Parking, and HO10 Residential Development in the rural area, and policies detailed within the NPPF.

10. DETAILED RECOMMENDATION

- 10.1 Based on the conclusions above, it is recommended that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **REFUSE FULL PLANNING PERMISSION** for the following reasons:
- (a) The annexe by reason of its proposed means of access via the existing garden associated with the primary dwelling is considered to be an inappropriate form of development to function as a separate dwelling which would cause a fragmentation of the existing curtilage and significant detrimental impacts upon the host dwelling through the unacceptable loss of residential amenity. The proposal therefore fails to comply with Local Plan BE1 Design Criteria and BE2 Residential Alterations.

- (b) The proposed new residential unit fails to provide for on-plot car parking and would be likely to encourage on-street car parking on the highway to the detriment of highway safety contrary to Local Plan Policies C5 and SP4 Presumption in Favour of Sustainable Development.