



**REPORT of
INTERIM HEAD OF PLANNING SERVICES**

to
**CENTRAL AREA PLANNING COMMITTEE
ON 19 APRIL 2017**

Application Number	HOUSE/MAL/17/00175
Location	3 Acacia Avenue, Maldon
Proposal	Construction of ancillary granny annexe
Applicant	Mrs Burley
Agent	Mr Chris Moore - Plainview Planning LTD
Target Decision Date	27 April 2017
Case Officer	Nigel Hebden, TEL: 01261 875741
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Parish Trigger

1. RECOMMENDATION


APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. SITE MAP

Please see overleaf.

3 Acacia Drive, Maldon
HOUSE/MAL/17/00175



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Committee 17/00175
	Date:	05/04/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Site Description

- 3.1.1 The site is one of a pair of semi-detached two storey dwellings on the west side of Acacia Drive. There is a two storey extension to the side which includes a drive through car port. The rear garden has a double garage and lean-to shed at the bottom with other outbuildings, some of which are being removed. The rear garden is enclosed by 1.8 metres high close boarded fencing.

3.2 Proposal

- 3.2.1 It is proposed to erect a granny annexe about half way down the garden towards the northern boundary. The building would measure 7 metres by 4.5 metres, have a flat roof 2.2 metres in height and would sit some 14 metres from the rear of the existing dwelling.

3.3 Conclusion

- 3.3.1 The proposal is a modest form of development that can be accommodated within the rear garden without being overdevelopment. Personal circumstances justifying the principle of the proposals have been put forward to provide a justification and, subject to the proposed development being appropriately conditioned, the annexe would be acceptable.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2012 including paragraphs:

Para 56: Promoting good design.

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

BE1 Design of New Development and Landscaping
H11 Special family needs

4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- 4.4 D1 Design Quality and Built Environment

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The application is supported by a statement advising that the current occupier of No 3 Acacia Drive is registered blind and living alone. The proposal is that his daughter

(the applicant), who lives some distance away, would move into the house with her family and the father would occupy the annexe.

5.1.2 Such proposals need to meet the requirements of Replacement Local Plan (RLP) policy H11 which states that applications for extensions would be considered sympathetically provided that a separate dwelling unit would not be created. In this case a separate building is proposed within the middle of the garden and the criteria set out in the supporting text are as follows:-

5.1.3 *a) The accommodation is the minimum required to satisfy the functional needs of the prospective occupier/occupiers;*

Comment; The application indicates that a bedroom with en-suite facilities will be provided together with a kitchen/living room. The total floor area of 31.5 sq metres would be below the national space standard for a one person dwelling (37 sq metres) as set out in the “Technical Housing Standards – nationally described space standard” (DCLG – March 2015) and so it has the characteristics of an annexe as opposed to an independent dwelling.

5.1.4 *b) The proposed accommodation can be satisfactorily used as part of the accommodation to the existing dwelling house;*

Comment: The proposed annexe is detached from the main dwelling – indeed it is 14 metres down the rear garden. However, being within the rear garden, it is difficult to see how a separate curtilage could be formed. The structure is subservient to the main dwelling and in character could be regarded as a summer house or other outbuilding which could be used ancillary to the main dwelling.

5.1.5 *c) There is a common main entrance to both the existing house and the proposed new accommodation;*

Comment: The common access is either through the main dwelling or could be taken via the side driveway and covered car parking area.

d) The extended property does not result in over-development of the curtilage.

Comment: Even with the annexe there would still be 250 sq metres of private amenity space at the rear of the property.

5.2 Design and Impact on the Character of the Area

5.2.1 The proposed annexe would be flat roofed and clad in timber and due to its overall dimensions and design it would appear as a garden outbuilding.

5.2.2 Policy H11 referred to above is predicated on the annexe being physically attached to the host dwelling and the proposal is freestanding some 14 metres from the main dwelling. It might be possible to erect the accommodation as a rear extension to the house but it would extend back some 7 metres and be somewhat raised in order to follow the floor levels of the house; also it would not necessary achieve a degree of independence and privacy for the occupier. On balance, it is considered that the proposal is an acceptable form of annexe as it would be hard to form a separate

dwelling and, if/when no longer required, it can be absorbed back as a facility ancillary to the existing house.

- 5.2.3 The applicant's agent has pointed out that at a recent appeal in Burnham-on-Crouch, a planning inspector upheld an appeal following refusal where a separate annexe was being proposed in the rear garden of a dwelling. In that case the proposed annexe was over 30 metres from the existing house. The inspector noted that the annexe and the dwelling would share access and views of the rear garden and that there was no separate means of vehicular access.

5.3 Impact on Residential Amenity

- 5.3.1 There would be no adverse impact on the neighbouring properties in terms of overlooking, general disturbance or loss of light.

5.4 Access, Parking and Highway Safety

- 5.4.1 The proposed annexe would not generate any additional parking.

5.5 Private Amenity Space and Landscaping

- 5.5.1 The present garden is 30 metres deep and, even allowing for the existing double garage if the current proposal is implemented, there will still be 200 sq metres available which is twice that required by the Council's adopted standard.

6. ANY RELEVANT SITE HISTORY

- **APPLICATION NO 93/00153/FULF** Two storey extension to side
Approved 06/05/93

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Object: will lead to the creation of a separate unit of accommodation and is backland development.	See report

7.1 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No comment	Noted

7.2 Representations received from Interested Parties

None received.

8. PROPOSED CONDITIONS

1. The development hereby permitted shall begin no later than three years from the date of this decision.
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by .Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with the following approved plans and documents: Drawing Nos Location Plan, Block Plan (2) Elevations & Floor Plan.
REASON: To ensure that the details of the proposal are acceptable in accordance with policy BE1 of the Maldon District Replacement Local Plan.
3. The external finishes of the proposed building shall be as specified in the “Planning Statement” Document Reference 1609/CMOW/Maldon District Council dated February 2017.
REASON: To ensure that the details of the proposal are acceptable in accordance with policy BE1 of the Maldon District Replacement Local Plan.
4. The additional residential accommodation/annex hereby approved shall only be occupied and used as ancillary accommodation to the main dwelling known at the time of this decision as 3 Acacia Road, Maldon and shall at no time be subdivided from the curtilage of, or used as an independent unit of residential accommodation separate from, 3 Acacia Road, Maldon.
REASON: To ensure that a separate unit of residential is not created in accordance with policy H11 of the Maldon District Replacement Local Plan.