

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1st April 2009

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/1948/08/F – MILTON
Extension and Conversion of Garage into Annexe and Link to Main Dwelling
At Meadow Farm, Ely Road for Mr and Mrs Parkins

Recommendation: Refusal

Date for Determination: 23rd January 2009

Notes:

This Application has been reported to the Planning Committee for determination at the request of Councillor Summerfield.

Departure Application

Members will visit this site on Wednesday 1st April 2009.

Site and Proposal

1. The site is located on the west side of the A10, and lies outside the Milton village framework and within the Green Belt. It is occupied by a two storey dwelling, that has previously been extended, and a detached timber and slate outbuilding/double garage, with a 6.2 metre ridge height, on the north side of the dwelling. To the south is Stanton Farm, a dwelling and children's day nursery, whilst to the north and west the site is bounded by open countryside.
2. The full application, submitted on 23rd November 2008, seeks to convert and extend the existing double garage structure in order to provide a self-contained annexe, to be occupied by the applicants' son and his carer. The extension would comprise an approximately 11.5 metre long x 5.5 metre wide x 5.3 metre high addition to the rear/west side of the existing outbuilding. This would be designed as a separate gable, the roof of which would be extended to link into the existing building, thereby creating a staircase to access accommodation at first floor level in the converted outbuilding. The extended outbuilding would then be linked to the main house with a lightweight open-sided single storey structure (3.7 metres high to the ridge). The extension would comprise timber walls and a slate roof to ensure its appearance matches that of the existing outbuilding. The annexe would comprise a bedroom, bathroom, kitchen, living room and gymnasium on the ground floor and a carer's bedsit at first floor level.

Planning History

3. **S/1477/85/F** – Two storey rear extension (Approved and implemented)
4. **S/0429/03/F** – Planning permission granted for extensions to the house (comprising a two storey rear extension, conservatory and porch) and a double garage. The



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April Planning Committee

proposal (excluding the detached garage) resulted in a 75% increase in the size of the original dwelling. No very special circumstances to support an extension of this size were requested by Officers. This scheme has been implemented.

5. **S/0535/04/F** – Consent granted for a single storey extension on the south side of the main dwelling. This permission was not implemented and was superseded by the following application for a larger extension.
6. **S/1818/04/F** – Planning permission granted for a single storey extension on the south side of the main dwelling. The extension comprised an en-suite bedroom and carer's accommodation and was designed for the applicant's son. The applicant's personal circumstances were considered to constitute the very special circumstances required to justify the permission.

Planning Policy

7. **Planning Policy Guidance Note 2: Green Belts** (see Paragraph 17 below).
8. South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:

DP/1 - Sustainable Development

DP/2 - Design of New Development

DP/3 – Development Criteria

DP/7 – Development Frameworks

GB/1 – Development in the Green Belt

GB/2 – Mitigating the Impact of Development in the Green Belt

HG/6 – Extensions to Dwellings in the Countryside

Consultations

9. **Milton Parish Council** makes no overall recommendation.

Representations

10. None.

Representations by the Applicants' Agent

11. The supporting design and access and planning statements acknowledge that the existing property has been significantly extended, but explain that the proposal seeks to create an annexe structure in order to meet the family's specific needs. It is argued that the circumstances relating to the need for this development are material in the consideration of the application.
12. One of the applicants' sons, David, had a road accident at the age of 18, which left him with severe brain injuries and in need of 24 hour care and assistance. He was in Addenbrookes hospital for over two years following the accident. The family fought to prevent David being put in a care home and opted to accommodate him at home with the help of 24 hour carers. In 2004, a single storey extension was added to the south side of the house to provide en-suite bedroom accommodation for both David and his carer. As this extension only provided bedroom/bathroom accommodation, the kitchen, dining and living areas in the main house have, to date, been shared with the family. The family's living space has therefore been much compromised and dominated by catering for David's needs, and they have also suffered a lack of

privacy by having a 24 hour carer living in. This has put an enormous amount of physical and emotional strain on the family.

13. David is now 21 and the supporting services who assess him are advocating that he should be allowed to have his own space and privacy, to enable him to develop a degree of independence whilst retaining close links to the family. He has reached a stage in his recovery where he needs to learn to cook, and do his own washing and cleaning. Rather than adapting and sharing the existing kitchen area, David's rehabilitation would be best developed in an independent environment. Letters of support from therapists and specialist medical advisors who monitor David have been enclosed with the planning statement:
 - a) Headway – state that improved access and user friendly facilities separate to the family home are long term, and crucial for David's well being and development;
 - b) Addenbrooke's Rehabilitation Clinic – state that the proposal would be useful as it would help to wean the son off his parents full-time care and prepare him for the transition when they are no longer able to look after him;
 - c) Addenbrooke's Occupational Therapy Department – point out that the applicants feel their son needs to have alternative stimulation from a change of environment to move him on in his communication and behaviour. The alternative option would be to apply for housing for him to live with his carer.
14. The proposed accommodation consists of a fully wheelchair accessible bedroom on the ground floor, an en-suite bathroom, a kitchen, a living room and a gym for his physiotherapy sessions. A first floor area would provide a bedsit for the carer, whilst the proposed covered link would allow protected access to the main house. It is stressed that the amount of development sought is the minimum required to meet David's specific needs, and would also enable the family to regain some of their independence. The existing space in the house, within which David and his carer currently reside, would be used by other members of the family.
15. In addition to the family's specific needs, the planning statement also argues that the following factors constitute further special reasons to support the proposal:
 - a) Part of the annexe would be created by converting an existing outbuilding. The conversion of existing buildings in the countryside is supported by Policy HG/8;
 - b) The extended annexe would be subservient in scale to the main house. The site is very well screened and it is argued that the development would not be visually intrusive;
 - c) The site was in agricultural use in the late 19th and early 20th centuries. Historically, there were a number of farm outbuildings located to the north of the house in the approximate location of the proposed annexe. The layout of the proposals echoes the former arrangement of buildings on the site, and the proposal would result in a smaller footprint on site than previously existed.

Planning Comments – Key Issues

16. The key issues to consider in the determination of this application are:
 - a) The scale of the extensions compared to the original dwelling and whether the development constitutes inappropriate development in the Green Belt;
 - b) The design and impact of the development upon the openness and rural character of the countryside and Green Belt;

- c) If inappropriate development, whether there are any very special circumstances to set aside the presumption against inappropriate development in the Green Belt, and any other harm.
17. Planning Policy Guidance Note 2 makes it clear that disproportionate additions to the original property represent inappropriate development in the Green Belt, whilst Local Development Framework 2007 Policy HG/6 only supports a 50% increase in the volume or gross internal floor area of the original dwelling. In this instance, the floorspace of the original dwelling amounts to approximately 130m². The property has already been extended by around 172m² or 131%. This figure excludes the double garage approved under application reference S/0429/03/F. The current application adds a further 86m² (resulting in a 258m² or 198% increase) to the original house. The proposal also seeks to convert the garage and its roofspace to provide a further 72m² of habitable accommodation and, if this figure is taken into account, the total increase in the size of the original amounts to 254%. Arguably, however, the application should be considered against the former rather than latter figure, as the garage building exists and there are no restrictions on the relevant planning permission preventing its conversion to habitable use. Regardless of which figure is taken as the starting point, the proposal clearly results in a disproportionate addition to the original property, constitutes inappropriate development in the Green Belt by definition and contravenes the requirements of Policy HG/6 of the Local Development Framework. It is therefore necessary to consider, next, whether the development causes other harm in addition to that caused by inappropriateness.
18. The proposed extension has been designed in order to minimise its impact upon the countryside and Green Belt. The extension is sited on the west/rear garden side of the existing garage building and, at 5.3 metres high, is approximately 900mm lower than the existing structure, whilst the first floor link is no higher than the ridge line of the existing outbuilding. The extension projects about 2.3 metres beyond both the north and south sides of the garage structure, and results in the 9.6 metre wide gap between the house and existing garage being filled. The site is extremely well screened along the northern boundary and also along the roadside/eastern boundary, other than at the point of access. The vast majority of the extension would not be visible or prominent from public viewpoints. The gap in the screening at the point of vehicular access would provide views of both the southern element of the extension and the lightweight link structure between the annexe and house. However, these elements are set around 22 metres back from the frontage of the site and positioned well back from the forward most elevations of the house and garage. They are very much subservient to both the house and outbuilding and, whilst visible from the road, would not result in material harm to the character of the countryside or to the openness of the Green Belt.
19. The proposed development is on the north side of the dwelling and set around 50 metres away from the neighbouring residential property to the south. It would not, therefore, result in any material harm to the amenities of occupiers of this property.
20. In summary, the proposal is not considered to result in any additional harm to that caused by inappropriateness. It is therefore necessary to consider, next, whether there are any very special circumstances to set aside the presumption against inappropriate development in the Green Belt.
21. As set out in paragraphs 11 – 14 above, the applicant's agent stresses that the personal circumstances behind the need for an extension of the size proposed constitute the very special circumstances required to justify the application. Officers

have asked the applicants to explore whether there are any alternative solutions to providing the required accommodation, as follows:

- a) Can the space within the existing dwelling and annexe be modified to create a self-contained annexe?;
 - b) If this is not possible, could the existing single storey annexe on the south side of the dwelling be extended to provide the additional gym, living room and kitchen accommodation required. This part of the site would not be visible at all from any public viewpoints and an extension here would therefore have a lesser visual impact on its surroundings?;
 - c) Finally, if the current proposal is the only solution, can the existing annexe be demolished such that the proposal represents a like-for-like replacement floorspace.
22. With regards to the suggested reordering of the house, the applicant's agent has submitted a plan showing how this might be achieved. This solution would involve converting the existing carer's bedsit to form a kitchen and living room for David, converting the adjacent family room in the main house to a gym, and providing the carer's bedsit in the existing garden room. The conservatory would then be used as a link between David's and his carer's accommodation. This option has been discounted as: it would take up a large proportion of the ground floor of the existing house, would use up the family's living areas (so further extensions would be necessary), would result in the carer being too remote from David, and would not achieve the degree of separation sought.
23. The applicant's agent has also considered the feasibility of providing a single storey extension to the rear of the existing annexe. This solution would still entail converting the existing family room to a gym, and has been discounted as it would involve the construction of a similar sized extension to that proposed, but without the benefits to the family that the self-contained annexe proposed within this application would bring.
24. The suggestion to demolish the existing single storey extension has also been questioned. There are 5 adults in the family and it is argued that there is a need for this floor space. In addition, this extension represents a £60,000 investment which would be lost if demolished. The agent further argues that the floorspace of the proposed annexe is less than that of outbuildings that were on the site until the mid 20th century and that demolition of any existing floorspace cannot therefore be justified.
25. Case law relating to development in the Green Belt indicates that, it is only in very rare cases, that personal situations will be viewed as a very special circumstance. I have not been able to trace any directly comparable examples. In one case, an application proposed a replacement dwelling following a fire and the applicant was seriously ill with a progressive disease. In this instance, the Inspector considered the fire, together with the applicant's personal circumstances, amounted to very special circumstances. The personal situation was therefore one of two reasons given to support the application. In another green belt case, an Inspector allowed a caravan to be sited adjacent to a permanent mobile home occupied by the appellant's father, to enable the appellant to care for his father, who was elderly and in poor health. Again, this case is not directly comparable, however, as the consent required the caravan to be removed when no longer required. The applicant's agent has provided a further example of consent being granted for an annexe, where personal circumstances were afforded considerable weight. However, this relates to a residential area and not to a site in the Green Belt or countryside.

26. I have visited the property and family, and have a lot of sympathy for their situation. Certainly, I concur with the agent's conclusion that rearranging the existing living space would take up too much of the family's existing living areas and result in the need for further extensions. The family's personal circumstances are such that it would be difficult to argue that approving this application would set a precedent for a similar level of development on otherwise well screened sites in the Green Belt. Nevertheless, the guidance in relation to the operation of PPG2 and Green Belt policy stresses that personal circumstances can only rarely be used to justify inappropriate development in the Green Belt. I have not been able to trace any cases where personal circumstances alone were considered to constitute sufficient justification to allow permanent inappropriate development in the Green Belt. The fact that there were buildings on this part of the site some 50 years ago does not amount to a very special circumstance and there are therefore no additional reasons in this instance to justify the development. On balance therefore, the application is recommended for refusal on the grounds that the application represents inappropriate development in the Green Belt by definition.
27. Should Members be minded to grant consent for the proposed development, it would be essential to require the applicants to enter into a legal agreement to ensure the dwelling and annexe are occupied as a single family unit, in order to avoid the creation of a new dwelling in the Green Belt and countryside.

Recommendation

28. Refusal:

The proposed development would result in disproportionate additions to the original dwelling and therefore represents inappropriate development in the Green Belt, as defined within Planning Policy Guidance Note 2: Green Belts, by definition. The personal circumstances provided by the applicant do not constitute sufficient justification to override the harm to the Green Belt by reason of inappropriateness. Consequently, the development is contrary to the South Cambridgeshire Local Development Framework 2007: Policy GB/1, which states that there is a presumption against inappropriate development in the Green Belt and Policy HG/6 which states that extensions to dwellings in the countryside will only be permitted where the extension does not lead to a 50% increase or more in volume or gross internal floor area of the original dwelling.

Background Papers: the following background papers were used in the preparation of this report:

- Planning Policy Guidance Note No.2 (Green Belts)
- South Cambridgeshire Local Development Framework (LDF) 2007
- Planning application references S/1948/08/F, S/1818/04/F, S/0535/04/F, S/0429/03/F and S/1477/85/F

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