

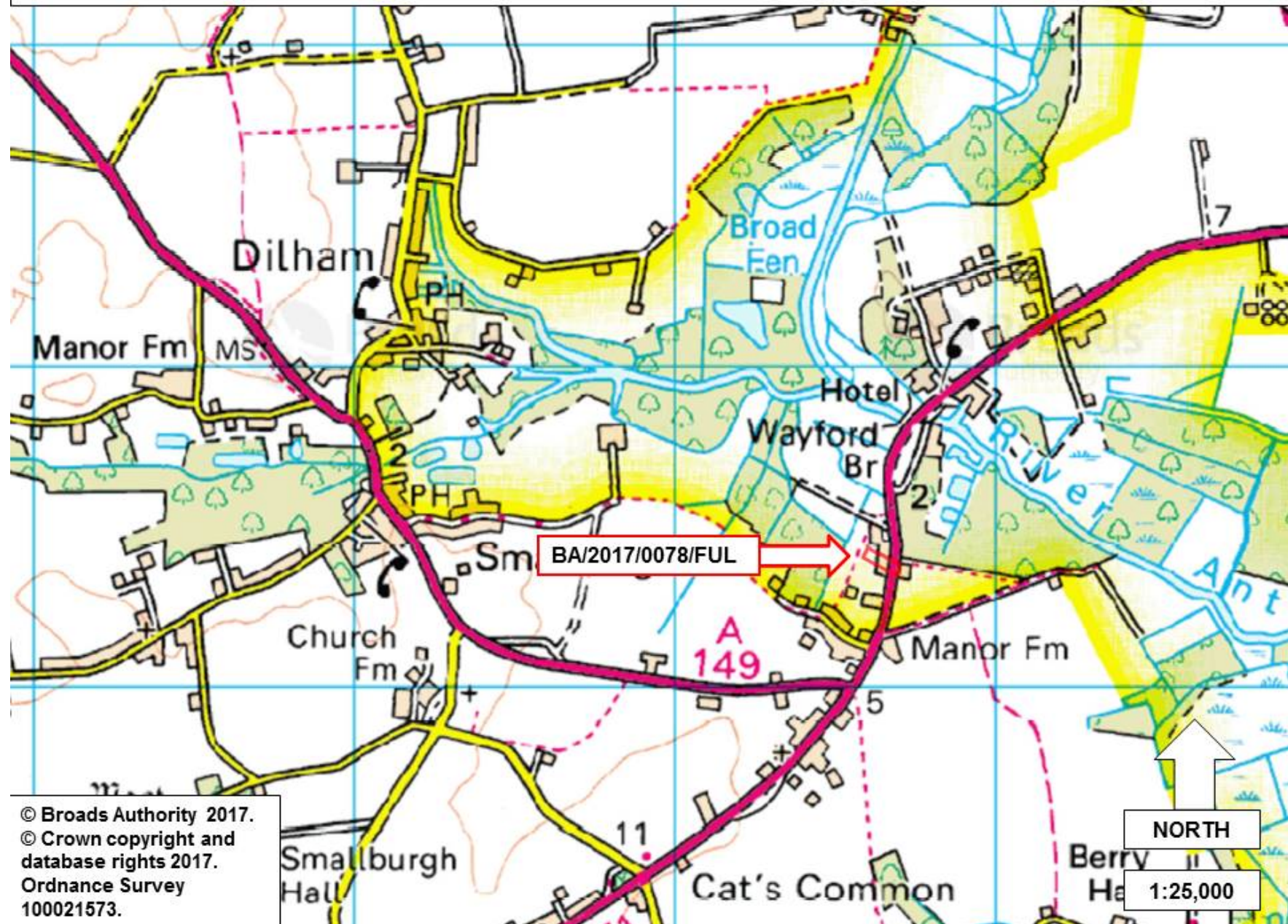
**Reference:**

BA/2017/0078/FUL

**Location**

Tipperary Cottage, Thimble Hill, Wayford Road,  
Smallburgh

BA/2017/0078/FUL - Tipperary Cottage, Thimble Hill, Wayford Road, Smallburgh, NR12 9LP



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## **Application for Determination**

<b>Parish</b>	Smallburgh
<b>Reference</b>	BA/2017/0078/FUL <b>Target date</b> 02 May 2017
<b>Location</b>	Tipperary Cottage, Thimble Hill, Wayford Road, Smallburgh
<b>Proposal</b>	Single storey dwellinghouse to be used as an annexe to the existing dwellinghouse on the site.
<b>Applicant</b>	Mr Neil Cousins
<b>Recommendation</b>	Approve subject to conditions and Section 106 Agreement
<b>Reason for referral to Committee</b>	Director's discretion

### **1 Background**

- 1.1 The application site is on the western side of the A149 on Thimble Hill, approximately 500m south of Wayford Bridge. The site is rectangular measuring 34m wide by 114m long. The original dwelling is positioned close to the road frontage and equidistant from the side boundaries, the dwelling has been extended to both sides and to the rear. The remainder of the site is garden. The southern boundary of the site is demarcated by a 2m high close boarded fence. The northern boundary comprises a 2m high close boarded fence with trellising above, visible at the eastern end of the northern boundary of the site with the remainder of this boundary augmented by a tall and continuous evergreen hedge set slightly in from the boundary. A single residential property and Fairview Park static caravan park adjoin the site to the north. The boundary to the east fronts the public highway and is well screened aside from the vehicle access opening. The boundary to the west is adjacent to a public right of way and is well screened along its entire width. The site slopes downhill from east to west with reasonable level elements at the front and rear.
- 1.2 The dwelling is set back from the highway by a small soft landscaped area and an area of hardstanding which allows for vehicle parking. The hardstanding continues down the site parallel to the southern boundary allowing access to three quite different outbuildings all of which are sited adjacent to the southern boundary, and access to the septic tank which is sited beneath the rear amenity space. The outbuildings comprise a modestly sized building of brick construction with tiled roof sited alongside the dwellinghouse which appears older than the dwellinghouse itself, this structure features an adjoining squat outhouse which appears to have been added at a later date. A short distance to the rear of the brick outbuilding is a pent style corrugated tin shed of modest

size. Further down the site is a dry boatshed of timber construction with a corrugated roof, to the rear of which is an open-fronted timber lean-to. This last outbuilding is by far the largest of the three in terms of footprint. The rear amenity space is effectively split into sections, of which the section to the immediate rear of the dwelling is a formalised lawn area which has been levelled, the land to the rear of this is an area of a more scrubby appearance beneath which is the septic tank, this area includes a number of small trees. Further down the site, roughly where the land levels out somewhat is an area utilised as an 'allotment', with a further scrubby area at the very rear of the site.

- 1.3 The surrounding sites comprise a residential property known as White Chimneys and a park homes development known as Fairview Park to the north, a meadow to the west, and a wooded area to the south. The curtilage of White Chimneys lies alongside the dwelling and formal lawn area of the subject site. The remainder of the northern boundary is alongside the park homes development which comprises a mix of residential and holiday uses and features approximately 24 units. The park homes site extends further westwards than the subject site.
- 1.4 The existing dwellinghouse has been extended extensively at ground floor but at first floor retains the original level of accommodation and as such is still a dwelling with three modestly sized bedrooms.

## **2 Proposal**

- 2.1 The application proposes a residential 'annexe' to be sited in the rear garden in the area towards the back of the site and described at 1.2 above as an 'allotment'. The residential 'annexe' would be located 45m from the rear of the existing dwelling. The 'annexe' would be utilised by a family member who can be described for the purposes of this application as a dependent.
- 2.2 The proposed accommodation is in the form of a bungalow with a width of 8.3m, a depth of 14.2m, and a maximum height of 4.85m, falling to 2.6m at eaves. The plans show it internally to provide an open plan lounge and kitchen, two bedrooms, two smaller rooms marked on the plans as 'utility' and 'hobby room', a bathroom and separate WC.

## **3 Site History**

BA/2011/0249/FUL - Erection of single storey side extension and rear conservatory. Approved with conditions, October 2011.

## **4 Consultation**

Parish Council - Smallburgh Parish Council does not wish to make a recommendation as to refusal or approval.

It does wish to comment - that if permission is granted it suggests that the condition that the building should remain ancillary to the main house.

It also wishes to make the comment: The proposed "annexe" appears to be a significant distance from the existing building to be classed as an annexe.

## **Representations**

None received.

## **5 Policies**

- 5.1 The following Policies have been assessed for consistency with the National Planning Policy Framework (NPPF) and have been found to be consistent and can therefore be afforded full weight in the consideration and determination of this application.

### [NPPF](#)

Core Strategy (adopted 2007) [Core Strategy Adopted September 2007 pdf](#)

CS1 - Landscape Protection and Enhancement  
CS5 - Historic and Cultural Environments

### [DEVELOPMENT PLAN DOCUMENT](#)

Development Management Policies DPD (adopted 2011)  
DP4 - Design

- 5.2 The following Policy has been assessed for consistency with the NPPF and has found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

Development Management Policies DPD (adopted 2011)  
DP28 - Amenity

- 5.3 The following Policy has been through the Preferred Options Consultation of the draft Local Plan. It has not been examined or adopted and is under review so no weight can be applied to it.

Local Plan for the Broads  
PODM37 - Residential Annexes

## **Neighbourhood Plans**

- 5.4 There is no Neighbourhood Plan in force in this area.

## **6 Assessment**

- 6.1 The application proposes an additional unit of residential accommodation in the form of a detached 'annexe' where the two built forms will share access and amenity space. The definition of an annexe in planning terms is not precise and consequently there can be a level of ambiguity as to where a proposal ceases to be for an 'annexe' and is in fact for a separate dwelling. This is a key consideration in this application and is discussed in the following assessment.

- 6.2 The main issues in the determination of this application are the principle of the development and the proposed separation between main dwelling and 'annexe', design and scale, landscape, neighbour amenity, and flood risk.

#### Principle of development

- 6.3 The application site is in a rural location situated some distance from local services and not well served by public transport. The site lies outside the development boundary and, as such, is not a location where new residential development would normally be considered appropriate. However, annexe accommodation (whereby additional residential accommodation is provided within an existing residential curtilage) can be acceptable in some circumstances. In looking at any particular case and determining its acceptability, it is necessary to consider the need for the annexe, its relationship with the main dwelling and the level of facilities it provides.
- 6.4 The applicants have explained that a member of the family currently residing within the dwelling requires their own accommodation and they are seeking to provide this through the construction of an annexe. Whilst in principle the creation of an annexe is acceptable, it should be clearly noted that what is proposed here is a detached annexe which would provide self-contained accommodation which would be capable of occupation independent from the existing dwelling. It should also be clearly noted that it is located in a part of the site which is 45m distant from the existing dwelling. Traditionally annexe accommodation has been physically integral to the main dwelling, however the characterisation of an 'annexe' has become diluted over time and increasingly includes buildings which are physically separate from the main dwelling, although in some cases they may be joined through some sort of link structure. Alternatively, where physical linking is not possible a functional integrity can be retained by not providing accommodation capable of being occupied independent of the main dwelling, for example through the removal of kitchen facilities, however, in this case the distance to the dwelling is not insignificant (approximately 45 metres) and therefore removing some of the accommodation, for example the kitchen, would not be convenient or reasonable operationally.
- 6.5 The applicants have made it clear that their intention is for annexe accommodation for a family member and not for a separate dwelling. Consideration has been given to the possibility of the erection of an adjoined building, but given the site conditions, access, and existing dwelling there is no reasonable way to further extend the existing dwelling to allow for suitable annexe accommodation, in addition to allowing for retention of the functionality of the existing dwelling. There would be significant design issues with a sizeable addition in this area, as well as potential issues with impact on neighbour amenity owing to the siting of the dwelling to the north in relation to the dwelling at the application site.
- 6.6 Consideration has also been given to the siting of a detached annexe in a location immediately adjacent or close to the existing dwelling, however this would result in a cluttered appearance and overdevelopment on a small section



of what is a reasonably large site. To the immediate rear of the dwelling is a levelled and landscaped area of lawn and planting which provides the traditional domesticated amenity area to the dwelling. Beyond the landscaped area the land falls away gently and is where the sewerage treatment plant is sited which would be an impediment to development in this area. The adjacent area is considered to be the first potential position on the site for an 'annexe' and this is approximately 30 metres from the rear of the dwelling. Although possible, this area is somewhat constrained as it is still on a gradient and is planted with a sporadic covering of trees. If the principle of an annexe at 30 metres from the main dwelling is considered acceptable, it may be difficult to argue a further 15 metres distance is unacceptable so there is no plausible reason to not allow for the siting of the building where the land levels out and is not planted with trees some 15 metres further down the site.

6.7 Having established the reasons put forward for the siting of the building in the location proposed, the definition of an 'annexe' must be considered. Legal advice was sought on this matter and whilst it was confirmed that there is no definition in the Town and Country Planning legislation, the Government does provide some guidance around types of accommodation. It is useful to set this out here:

- a) A dwelling is defined as '*a self-contained unit of accommodation. Self-containment is where all the rooms (including kitchen, bathroom and toilet) in a household's accommodation are behind a single door which only that household can use.* It should be noted therefore that a dwelling can consist of one self-contained household space or two or more non-self-contained household spaces at the same address'. (Government Guidance - Definitions of general housing terms.)
- b) An ancillary dwelling is included as a dwelling '*...provided they are self-contained, pay separate council tax from the main residence, do not share access with the main residence (e.g. a shared hallway) and there are no conditional restrictions on occupancy*'. This specifically includes former 'granny annexes. (Government Guidance - Definitions of general housing terms)

On this basis, an ancillary dwelling is not a separate dwelling unless it meets the criteria listed in (b) – i.e. it is self-contained and pays council tax separately etc.

6.8 In this case, any grant of planning permission would be conditioned to require the new building to remain as part of a single planning unit (i.e. not be separated off) and would be subject to conditions restricting occupancy, as well as being secured through a s106 legal agreement which has already been drawn up. When assessed against the above criteria it can be concluded that the proposed self-contained unit can be treated as an ancillary dwelling as opposed to a dwelling.

6.9 The Government guidance confirms that the proposed 'annexe' can be classed as self-contained accommodation in the form of an 'ancillary dwelling', which it

is noted was previously defined as annexe accommodation. The Government guidance presents a narrowly defined explanation of what can fall under the banner of annexes. Other common measures which indicate an 'annexe' as being part of the same 'planning unit' along with sharing the same access is the sharing of parking areas and garden. In this case access from the highway, parking areas, and the garden would be within the common property curtilage. There would be potential to subdivide the garden through a simple boundary treatment but this can be controlled through a planning condition. An additional access would not be possible without permission from the Local Planning Authority and Highways Authority and is therefore controlled. The driveway serving the property is adjacent to the southern boundary which currently enables access across half the property and culminates alongside the dry boatshed and it would not be possible to achieve subdivision of the property and maintain a separation of the driveway.

- 6.10 The occupation would be by a family member which provides a different type of functional link to any shared accommodation and thus maintains a connection between the main dwelling and 'annexe'. The ownership of the site and the 'annexe' would be the same as the principal dwelling and the maintenance of this would be part of the legal agreement. Finally the building in terms of its scale and appearance would be a subservient form of development to the main dwelling which would emphasise its secondary nature as a form of additional accommodation rather than as an independent form of accommodation.
- 6.11 Whilst it is accepted that a separation between main dwelling and 'annexe' should be minimal it is accepted that applications must be assessed on their own merits and certain site conditions can emphasise the need for an approach which may not be acceptable in other cases. With regard to the above assessment it is argued that there is no reasonable opportunity to make the annexe physically integral to the existing dwelling or immediately adjacent to the existing dwelling. The proposal therefore brings the built form some distance into the space to the rear of the site. However the site surroundings are such that the property is isolated to the south by an area of woodland, and to the north by a park home development and accordingly would not appear as an isolated new unit in the open countryside.
- 6.12 The park home development comprises a high density development of over twenty individual units. The spread of development across the site, immediately adjacent to the northern boundary of the application site and extending further westwards, results in the built residential form covering unconventional areas of a plot of this type, as well as bringing residential activity across the full depth of the site. In this context the proposed 'annexe', whilst some distance from the main dwelling on the application site, would not result in a form of development or type of use, i.e. a residential unit, which would be discordant with surrounding development or adjacent site activity. It is noted that the particular circumstances here – i.e. the adjacent park homes development and the difficulty in achieving accommodation close to the main house – are uncommon. Therefore, whilst constituting an unusual form, in addition to the argument regarding justification for separation, there is a



reasonably unique set of site specific circumstances which would allow for a development of this type in this particular location.

- 6.13 The emerging Broads Local Plan will seek to address the issue of residential annexes (ancillary dwellings) with a specific policy. The Local Plan has been through the 'Preferred Options' stage and a policy numbered PODM37 considers the issue of residential annexes. This policy is currently under review and at the present time no weight can be attached to it.
- 6.14 Finally, turning to case law and the help this can give in determining what is an 'annexe', it is noted that there is no unequivocal case law which provides a definitive explanation of what is an 'annexe' and what separation is reasonable. The Courts have considered and ruled on multiple permutations and the overriding message appears to be that without clear definition the cases are judged on their own basis and it is a matter of fact and degree as to whether an 'annexe' was occupied as a separate dwelling or as 'ancillary accommodation'.
- 6.15 Having regard to the above assessment it is concluded that the proposed form of accommodation can be considered to represent 'annexe' accommodation or an 'ancillary dwelling'. There is sufficient means to control the use of the property and ensure it remains an integral part of the single planning unit. There would not be a reasonable way to extend the existing dwelling. The separation between the main dwelling and proposed 'annexe' is considered to be justified and reasonable. The development on the adjacent site is of a form and use that would ensure that the proposed development is not an anomaly in this specific locale and would not result in activity in a part of the site which would be out of keeping with adjacent uses. The principle of the proposal is therefore considered acceptable in planning terms, subject to planning conditions to regulate use, retention of shared elements, and planning obligations to prevent separation of the proposed 'annexe' from the main dwellinghouse.

#### Design and scale

- 6.16 In terms of design, the application proposes an unremarkable bungalow of basic design. There has been some discussion with the applicants regarding external appearance and it has been difficult to settle on a scheme which has a regularised appearance in terms of openings, but some acceptance of the constraints due to internal layout has to be accepted. It is noted that both the elevation which looks up the site towards the main dwelling and the elevation which looks down the site towards the rear boundary have a regular appearance. In addition to this the unit features a front entrance porch which ensures that the annexe accommodation is a readable form. Taking into account the siting of the annexe which would not be readily visible from a public vantage point, its single storey form, the presence of mature planting to all boundaries, the unremarkable appearance of the main dwelling, and the location of a park homes development on the adjacent, the basic design of the proposed accommodation is acceptable.

6.17 The scale of the 'annexe' is reasonable when considered in relation to the main dwelling taking into account the footprint and height of the respective buildings, and the separation between the two built forms would ensure that there would not be an unacceptable concentration of development on a small area of the site which would lead to an appearance of overdevelopment.

6.18 In conclusion it is considered that the proposal is for a reasonably simple and basic form which would be unimposing when considered in the context of the main dwelling. The siting of the 'annexe' would ensure it does contribute to a cluttered or overdeveloped appearance of the site. The proposed development is therefore considered acceptable with regard to DP4 of the Development Management Policies DPD.

#### Landscape

6.19 The entrance to the site is narrow and owing to the fall in land the proposed development will not be readily visible from the public highway. There is a public footpath to the rear of the site, the boundary at the rear of the site is well planted which would provide a good level of screening and is considered adequate to ensure that the proposed building would not be detrimental to the Broads landscape. The proposed development is therefore considered acceptable with regard to DP2 of the Development Management Policies DPD and Policy CS1 of the Core Strategy.

#### Neighbour amenity

6.20 Residential development is limited to the northern boundary of the site and comprises a park home development which runs along the majority of the boundary to the rear of the main dwelling. Taking into account the density of development which achieves very limited space between the park home units, the separation to the proposed 'annexe' building is considered sufficient and is augmented by a boundary fence and tall hedge. The proposed development is single storey and would not result in any overlooking of neighbouring residential properties. The proposed development is therefore considered acceptable with regard to DP28 of the Development Management Policies DPD

#### Flood risk

6.21 The application site is wholly within Flood Zone 1 and flood risk is therefore not considered to be an issue when considering this proposal. The proposed development is therefore considered acceptable with regard to DP29 of the Development Management Policies DPD.

## **7. Conclusion**

7.1 The proposal is for an 'annexe' or 'ancillary dwelling' the definition of which is not clearly defined in planning terms and as such is reliant on Government guidance and a rational judgement of the development as proposed and its site specific circumstances. Taking all the factors that apply to this application into account the proposed accommodation is considered to be ancillary and

therefore acceptable in planning terms. Whilst the separation between main dwelling and proposed 'annexe' is not insignificant it is considered that the siting is justified and acceptable, and a reasonable relationship between the two forms would be retained. The use of the 'annexe' ancillary to the main dwelling will need to be secured by an s106 legal agreement in addition to planning conditions. The siting of ancillary accommodation to the rear of the site is acceptable with regard to development on the neighbouring site, would not be detrimental to neighbouring amenity, and would not be detrimental to the appearance and character of the Broads landscape.

## **8. Recommendation**

Approve subject to conditions and s106 Agreement

- i. Standard time limit;
- ii. In accordance with submitted plans;
- iii. Details of materials;
- iv. Lighting scheme to be agreed;
- v. Use ancillary to the existing dwelling;
- vi. No separation either physically or in terms of use; and
- vii. Remove permitted development rights;

## **9. Reason for Recommendation**

The proposal is considered to be in accordance with Policy CS1 of the Core Strategy (2007), Policies DP2, DP4, and DP28 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

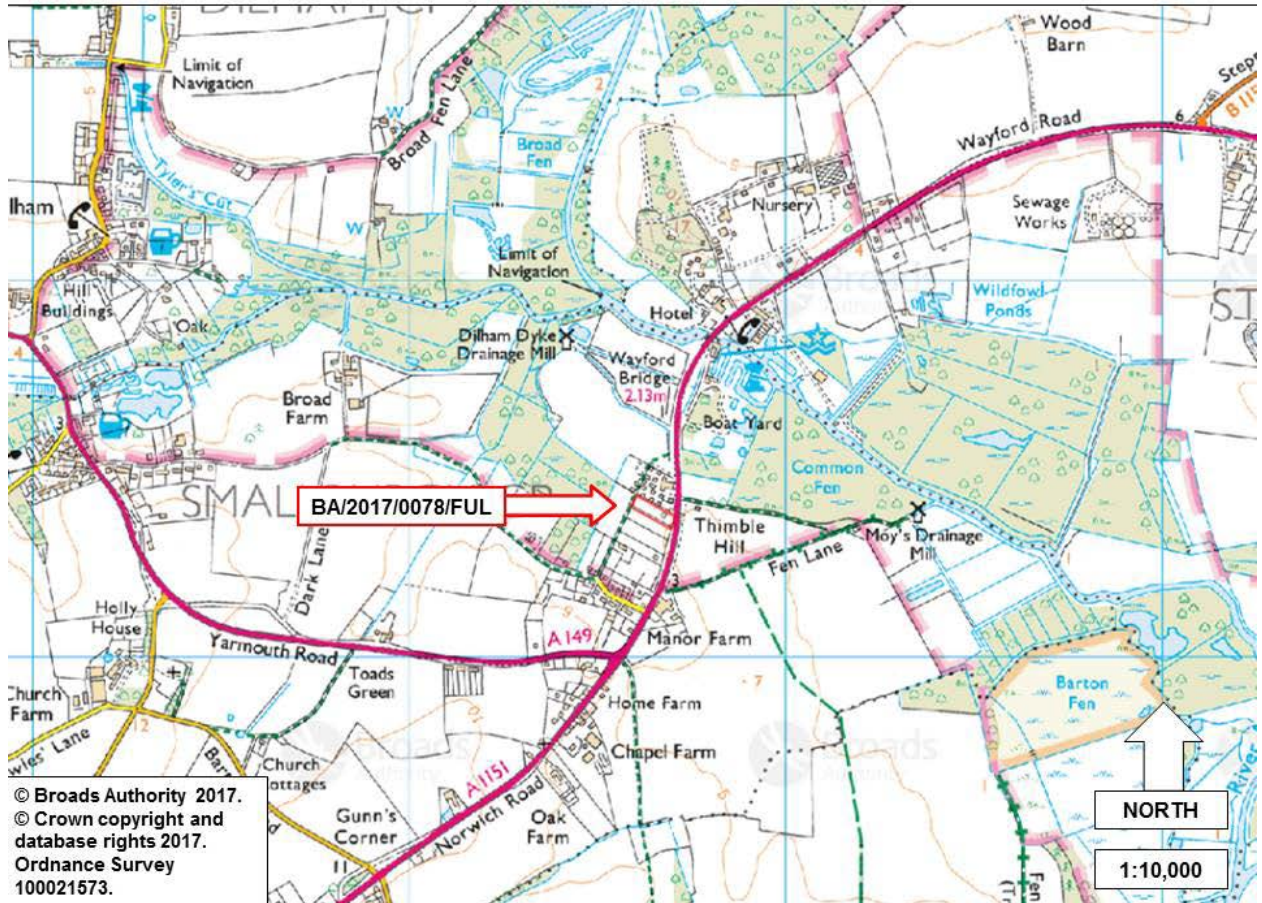
List of Appendices:   Appendix 1   Location Plan  
                              Appendix 2   Note of Site Visit on 6 July 2017

Background papers: Application File BA/2017/0078/FUL

Author: Nigel Catherall

Date of Report: 7 July 2017

BA/2017/0078/FUL - Tipperary Cottage, Thimble Hill, Wayford Road, Smallburgh



**PLANNING COMMITTEE**

21 July 2017

**Note of site visit held on Thursday 6 July 2017**

**BA/2017/0078/FUL: Tipperary Cottage, Thimble Hill, Wayford Road,  
Smallburgh**

Single storey dwelling house to be used as an annexe to the existing dwelling house on the site.

**Applicant:** Mr Neil Cousins\_

**Present:**

Mr Paul Rice– in the Chair

Prof Jacque Burgess      Mr V Thomson  
Mr Mike Barnard          Mr H Thirtle  
Mr Bill Dickson

**In attendance:**

Mrs Sandra A Beckett – Administrative Officer (BA)  
Ms Andrea Long – Director of Planning and Resources (BA)  
Ms Cally Smith – Head of Planning (BA)  
Mr Nigel Catherhall– Planning Officer (BA)

Mr Neil Cousins – The Applicant  
Mrs A Cousins – The Applicant

**Apologies for absence** were received from: Sir Peter Dixon and Ms Gail Harris

**Introduction**

The Vice-Chair/Acting Chairman of the Planning Committee welcomed everyone and invited them to introduce themselves.

The Chairman reminded members of the procedures for the site visit emphasising that it was purely fact finding and no decisions would be made at this visit but the matter would be considered in detail at the next meeting of the Planning Committee on 21 July 2017. He reminded them to avoid discussing the merits of the application, to keep together as a group when moving round the site and not enter into debate. Members were on the visit to aid their understanding of the context of the site, the relationship between the existing residential accommodation and the proposed accommodation and to make sure that all the relevant factors of the site had been pointed out. They were able to ask questions.

Members met in the entrance drive of the application site which was off the main A1151 in front of the residential property of Tipperary Cottage. Following the

introductions and the Planning Officer providing a brief outline of the plans for the site, Members were given the opportunity to walk around the site to view the various different levels and elements within it.

### *The Plans*

The Planning Officer explained that the existing dwelling on the site was a modest cottage with 3 bedrooms and a small study room upstairs. The property had been extended on the ground floor on both sides, with a fairly recent extension to the rear and side of the property to provide a conservatory and slightly enlarge the kitchen and entrance area. The double garage to the north of the property was noted. He explained that the site was level at the top but sloped downhill to the rear. The proposed “Annexe” accommodation, or “ancillary dwelling” as otherwise described, would provide single storey two bedroomed accommodation at the further end of the site. It was stated that the small study within the existing dwelling was 7 square metres and not up to bedroom standard.

### *Site context*

Members noted that the site was rectangular, bordered to the south by woodland and to the north by a high leylandi hedge behind which was a single residential property and the Fairview Park static caravan park. It was clarified that the neighbouring sites were in different ownerships to that of the applicant. There was a modest driveway down the south side of the site. Members noted the outbuildings on the southern boundary of the site adjacent to the woodland, the first being a modest brick building with tiled roof opposite to the kitchen entrance to Tipperary Cottage. This was single storey with a floor in the ceiling area and used for storage. It was stated that it would be too small and was not capable of being brought up to living accommodation standard. Further down the site, attention was drawn to the other outbuildings of timber construction, one being a dry boatshed with corrugated roof, the other an open fronted lean-to. There was also a small corrugated tin shed. These outbuildings were not considered suitable for conversion for additional accommodation.

Members walked down the site observing the landscaped garden at the rear of the existing dwelling which had been levelled, a scrubby area and an area of shrubs and small trees. Members also noted the significant size of the septic tank and were informed of the land drainage issues in association with the water treatment plant. These restricted the siting and design of additional accommodation.

Members walked to the bottom part of the site which levelled out into an area known as the “allotment”, formerly used for growing vegetables. This was the site of the proposed ancillary dwelling. Poles and tape marked out the proposed property which was designed to be a bungalow with a width of 8.3 metres, a depth of 14.2 metres and a maximum height of 4.85 metres to accommodate two bedrooms, open plan lounge and kitchen, as well as a utility and hobby room, bathroom and separate WC. Members viewed the plans with the entrance being on the track to the south. It was stated that the design, alignment and siting of the proposed dwelling and its internal rooms had needed to take account of the sewage, soakaways and clear water systems for the site.

Members were able to walk to the furthest boundary of the site which was well screened, behind which was a footpath.

Having walked into the whole site members returned to the patio area to get a view of the proposed siting of the ancillary dwelling through the shrubs and trees before returning to the entrance.

### **Conclusion and Procedures**

The Chairman confirmed that the application would be considered by the Committee at the next scheduled meeting on 21 July 2017. The Chairman thanked everyone for attending the site inspection.

The meeting was closed at 10.30 am.