Expiry Date - 30/06/2023

Development Control – Delegated Officer Report

Application Number: AWDM/0658/23 **Recommendation – APPROVE**

Site: **45 Maytree Avenue Worthing West Sussex BN14 0HL**

Proposal: **Proposed garden annex for elderly relative in rear garden.**

Date of site visit: 21/06/23

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The site is located to the west side of Maytree Avenue within a residential area of Worthing. The property comprises of a detached bungalow with brick and render elevations and a hipped roof. The property is set back from the road behind a low wall, paved driveway and front garden. To the rear there is a good sized garden that slopes down away from the house and a raised patio area with steps leading down to the garden. There is a shed and small pond within the garden.

The property is not within a conservation area, is not a listed building and there are no protected trees on site.

Proposal

Planning permission is sought for the erection of a garden annexe for a dependent relative.

The annexe is positioned at the end of the garden in the north-west corner and set in 0.6m from the rear and side boundary. The annexe measures 8m wide by 4.9m deep with a flat roof of 2.5m high. The front (north-east) and side (south-east) elevations are finished in Redwood Cladding and the rear (south-west) and side (north-west) elevations are finished in Enviroboard Cladding with a Single Ply EPDM Rubber Membrane roof and dark grey UPVC windows and doors. There are double doors and a window to the front elevation, two windows to the south-east side and two windows to the rear.

Internally the annexe is divided in to a bedroom, bathroom and kitchen/living/dining space. A small kitchenette would be provided within the living space and would include a small oven, fridge and sink.

The building was in the process of being constructed at the time of the site visit but had not commenced prior to submission of the application.

Relevant Planning History:

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04/00584/FULL - Single storey rear extension and garage to side - Approved

Consultations:

Environmental Health – No comment

Private Sector Housing - The bedroom is an inner room - the window needs to comply with fire escape window requirements. The unit falls below the national technical space standard of 37 sq.m.

WSCC Highways - This application is for the erection of a garden annex to rear for use by elderly relative. The site is located on Maytree Avenue, an unclassified road subject to a speed restriction of 30 mph.

No alterations are proposed to the existing vehicular access arrangement. The proposed development is not anticipated to give rise to a material intensification of use of the existing vehicular access. In addition, the site exhibits suitable existing vehicular parking provision to serve the development.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Southern Water - Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer.

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.
- Reuse
- Infiltration
- Watercourse
- Storm Sewer
- Combined Sewer

Guidance on Building Regulations is here:
www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: www.southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Representations:

None received

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, DM5
National Planning Policy Framework (HCLG 2021)
National Planning Practice Guidance
SPG 'Extending or Altering Your Home' (WBC)

Planning Assessment

Policy context for Residential Annexes

The preamble to policy DM5 of the adopted Worthing Local Plan indicates at paragraph 5.68:

Residential annexes can provide a suitable solution for accommodating a relative or dependent within the curtilage of the main dwelling house. Where a totally independent dwelling is not acceptable, (for example where there is a lack of separate curtilage, inadequate parking or a general unacceptable intensity of use), permission may be granted for an annexe subject to conditions or planning agreements limiting occupation to a relative or dependent, and requiring conversion of the accommodation to a use in association with the main dwelling, when it is no longer required for the relative or dependent. Such annexes should be ancillary to the main dwelling both in scale and range of accommodation and facilities, and must not assume a detached or independent identity by design or sub-division of the curtilage of the main dwelling.

Policy DM5 states (specifically in relation to Residential Annexes):

Residential Annexes
b) Residential annexes must be designed as ancillary to the main dwelling and be capable of satisfactory conversion for use in association with the main dwelling when it is no longer required by a relative or dependant.

Use of the annexe

The proposed annexe would be used by the applicant's dependant mother providing a bedroom, bathroom and living space incorporating a small kitchen area with oven, fridge and sink. Further justification has been provided by the applicant in relation to the intended use of the annexe and the requirement for an oven. In summary the justification is as follows;

Mum particularly wants a cooker in her annexe so that she can heat things up that we prepare for her. Typically I will cook her dinner the day before and she

then reheats it the following day. She is not happy using a microwave for reheating, as she does not trust them for health reasons as she is concerned about the potential effects of radiation on food. In addition, a microwave does not heat certain food up nicely (i.e. pastry) and she is concerned that she will not know if the dish is heated up sufficiently, for it to be safe to eat. Mum's generation did not grow up with microwaves. If an annexe has a hob or a microwave, someone could still live independently with just those items. She is just replacing the microwave with a cooker to reheat food prepared in the main house.

If the weather is bad or it's cold outside, the food will get cold having to take it down to the annexe. She prefers to eat her meal at around 5 pm and we do not usually eat until around 7 to 7.30 pm, which is too late for her. She does not want to come to the main kitchen to heat and eat her dinner because she feels she will interrupt our working day. The kitchen/lounge/diner in the main house is all open plan and my husband usually works in the lounge part. My serious concern with her having to come up to the main kitchen to reheat or cook food is that if we are not at home, it would mean that she has to walk up the garden by herself which would be particularly worrying in bad or icy weather. In addition, it gets dark before 5 pm in the winter, so it would mean her having to have her evening meal very early to get it heated, eaten and get back to the annexe, before it gets dark, because she cannot walk safely in the dark by herself. There are wooden steps up to the back of the property which she could not attempt alone, so she would have to walk up the alley way to the front door which would be a challenge in bad weather or the dark.

She wants to be able to watch her programmes on her own as she has to have the TV on quite loudly which would not be convenient with us working. The annexe is simply an extension of our house. We only have one bathroom in the main house and so the annexe gives us two bathrooms. Mum will be using the washing machine and tumble dryer in the main house, and will eat with us, when we can coincide mealtimes. This is likely to be mostly at the weekends, particularly Sunday lunchtime. Mum will come to the main house for meals with us, as much as conveniently possible.

If the annexe was no longer needed for my Mum, we would use it as a garden office for us both. It will give us more useful rooms and also a second bathroom. A kitchenette will be useful in those circumstances, so we do not have to go backwards and forwards to make drinks and prepare lunch etc. again particularly in bad weather or the winter.

The drainage, internet and electricity supply are from the main house. There is no separate access to the annexe. The only access is through the garden.

The justification provided above is considered to comply with the key requirements for a residential annexe as set out in Policy DM5 of the Worthing Local Plan. Dependency on the main dwelling has been clearly demonstrated, access to the annexe is only possible via the garden of the main dwelling and the annexe could not form a separate dwelling with separate curtilage. The building is capable of conversion to a use in association with the main dwelling

when no longer required as an annexe and the scale and range of facilities are satisfactory for ancillary annexe use. Appropriate conditions to ensure that the curtilage is not divided and the accommodation remains ancillary would be appropriate in this case and in accordance with the policy.

Visual Amenity

The proposed annexe is located at the rear of the property within the rear garden and is not visible from the road or in any public views.

The proposed annexe is reasonably large in scale but is positioned in the corner of the garden where the ground slopes down away from the house. Existing trees and landscaping to the front of the annexe have been retained and the building is finished in timber cladding helping the building blend in with its environment. The building has a high quality finish and ancillary appearance. Sufficient garden space is retained for the main dwelling and the annexe does not compete with or detract from the main house.

If the building was not for the purpose of an annexe, a building of the same scale and appearance could be erected in this position under permitted development.

There is no adverse impact on the visual amenities of the locality as a result of this application.

Residential Amenity

The proposed annexe is located in the rear garden and set in 0.6m from the side and rear boundaries. The fencing, trees and hedging to the boundaries has been retained providing good screening of the building. Due to its low height the building does not appear overbearing or oppressive to neighbours or result in overshadowing of their gardens. Two windows are to be located in the rear wall serving a bathroom and kitchenette however these windows look directly on to the boundary fence and trees and would not result in overlooking or loss of privacy to neighbours.

The use of the building as an annexe would not significantly increase noise or disturbance over and above that typically associated with the residential use of the site. The building is well insulated and would not result in noise transference to adjacent gardens.

There would be no significant detrimental impact on the residential amenities of adjacent occupiers as a result of this application.

CIL

As an ancillary annexe under 100sqm the proposal would not be CIL liable***.***

Expiry Date - 30/06/2023

Recommendation

APPROVE subject to Conditions:-

1. Drawing Numbers
2. Standard time limit
3. Materials as specified
4. Ancillary use
5. No sub-division of plot

Informative

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. The bedroom within the annexe is an inner room and therefore the window to this room must comply with the relevant fire escape window requirements. It is the applicant's responsibility to ensure that the development complies with all relevant legislation in this respect. The applicant is advised to contact Building Control at building.control@adur-worthing.gov.uk for further advice on this matter.

Is recommendation contrary to letter(s) of representation? N

Case Officer: Amanda Haslett Date: 29/06/23

Authorised by: Gary Peck Date: 29 June 2023