

Application No: 16/00722/FULL Full Application

Site: Forest Acre, Brick Lane, Thorney Hill, Bransgore, Christchurch,
BH23 8DU

Proposal: Detached building for use as ancillary accommodation to the main
dwelling

Applicant: Ms L M Watts

Case Officer: Emma MacWilliam

Parish: BRANSGORE

1. REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2. DEVELOPMENT PLAN DESIGNATION

No specific designation

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

DP1 General Development Principles
DP12 Outbuildings
DP6 Design Principles
CP8 Local Distinctiveness
CP12 New Residential Development

4. SUPPLEMENTARY PLANNING GUIDANCE

Not applicable

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 11 - Conserving and enhancing the natural environment
Sec 12 - Conserving and enhancing the historic environment
Sec 7 - Requiring good design

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Bransgore Parish Council: Recommend permission provided that the

building would be used for purposes ancillary to the main dwelling.

8. CONSULTTEES

No consultations required

9. REPRESENTATIONS

9.1 Three letters of representation received objecting to the proposed development and raising concerns regarding; the type of development proposed is not in keeping with neighbouring properties or the New Forest character, impact upon trees, plans are an inaccurate reflection of adjacent development, the outbuilding would be sited too close to the boundary with Gladelands, the annexe should be more integrated with the main residence of Forest Acre to better serve its intended use or accommodated within the house, potential for the use of the building may change in the future with new occupants of the property, the siting of the building will give rise to overlooking into neighbouring properties, no details of how services would be provided.

10. RELEVANT HISTORY

10.1 Outbuilding to accommodate three dog kennels (09/93920) withdrawn on 5 May 2009

10.2 Outbuilding to accommodate three dog kennels (08/93482) refused on 20 January 2009

11. ASSESSMENT

11.1 The property, a chalet bungalow, occupies a large rectangular plot on Brick Lane. The boundaries of the site are covered by dense soft landscape. The general character of the area is of individual dwellings of varying ages, sizes and styles in various size and shaped plots.

11.2 The proposal is for an outbuilding to be used as accommodation for a relative of the applicant and future use as living accommodation for the applicant's children. It would be of brick and render construction with a tiled roof. The size of the outbuilding would be just over 35m² and would include a kitchen, lounge, bedroom and toilet with an external decked area. It would be 3.7m in height and sited along the northern boundary. The applicant sought pre-application advice for the proposal where it was advised that planning permission would be required but that an application would be discouraged due to it being unlikely to receive a favourable recommendation in relation to Core Strategy Policy.

- 11.3 The main issues for consideration are:
- Whether the outbuilding would be used incidental to the main dwelling;
 - Whether the outbuilding is appropriate to the existing dwelling and its curtilage;
 - The impact upon the character and appearance of the area;
 - The impact upon the amenities of the neighbouring properties;
 - Impact upon trees.
- 11.4 There is a significant belt of mature Oak trees on the northern boundary. The initial siting of the building would have harmed those trees as a result of its position, but amended plans were submitted and the building has now been relocated 5 m away from the northern boundary and closer to the dwelling. There is no tree objection to the proposal.
- 11.5 Core Strategy Policies CP8, CP12 and DP12 are relevant to this application. Policy DP12 sets out that domestic outbuildings will be permitted where they are located within the residential curtilage, are required for purposes incidental to the use of the main dwelling and would not be providing additional habitable accommodation, defined as living rooms, bedrooms and kitchens.
- 11.6 An important consideration with this case is therefore identifying what an incidental use would be in relation to the main dwelling. Since the term incidental itself relates to something happening as a minor accompaniment to something else or occurring in connection with something else, in planning terms an incidental use in this respect must be a use which is not necessary to but accompanies the residential dwelling. Such uses could include secondary accommodation facilities such as an office, laundry room or gym which is used by occupants of the main house in connection with the main house. In order to be incidental, the function of the space provided must be subordinate to the basic or primary accommodation.
- 11.7 As referenced on the DCP online website the SOS has determined that a garden structure is not "incidental to the enjoyment of the dwellinghouse" if it contains primary accommodation such as living rooms and bedrooms. The 2016 Technical Guidance issued by CLG underlines this stance stating that *'a purpose incidental to a dwellinghouse would not, however, cover normal residential uses, such as separate self-contained accommodation, nor the use of an outbuilding for primary living accommodation such as a bedroom, bathroom or a kitchen'*.
- 11.8 An ancillary use of an outbuilding within a domestic curtilage of a residential dwelling would be a use closely associated with the main use of the house, and could include lounges, bedrooms and kitchens which would normally be considered as integral to the everyday requirements of a house. Such uses are not considered

to be incidental as they are not considered to constitute a minor accompaniment to the main house or subordinate to the basic or primary accommodation, but would be primary habitable accommodation in addition to that of the main house. The construction of an outbuilding to be used for primary accommodation requires planning permission as it would clearly not be incidental to the enjoyment of the dwelling and falls outside the criteria of Class E of the GPDO.

- 11.9 The plans submitted for the proposed annexe building show a lounge, kitchen, w.c. and bedroom in the proposed building with patio doors opening onto its own area of decking. The inclusion of kitchen and bathroom facilities alongside living space for use as a granny annexe mean that this would not be viewed by the Local Planning Authority as incidental accommodation. These are considered to be primary habitable accommodation. The general scale, layout and use of rooms as proposed of the proposal would suggest a building containing primary accommodation that could clearly readily be converted into an independent unit of accommodation and would therefore not be incidental to the main dwelling, which is a requirement of residential outbuildings under Policy DP12.
- 11.10 Even a home office/study with kitchenette and toilet has been held not to be 'incidental' in the case of Wychavon 09/03/2007 DCS No 100-047-866. In the case of East Hertfordshire 21/12/2007 DCS No 100-052-169 an Inspector upheld an enforcement notice requiring the use of a domestic garage to cease being used as a dwelling. The garage was being used residentially and contained a fitted kitchen, dining room, lounge, play room, three bedrooms, and a bathroom and shower room. The appellants claimed that the building was used as incidental accommodation associated with their dwellinghouse and as a consequence did not involve development since a separate and independent residential use had not been created. The Inspector noted that the former garage was being used as a dwelling with all the facilities associated with a modern home. In the Inspectors opinion it was being used as an independent dwelling and was therefore not ancillary to the main house, which was tantamount to the creation of a new dwelling in the countryside.
- 11.11 Policy CP12 sets out where new residential development can be built - within the defined villages, if it is for an agricultural or forestry worker or for affordable housing for local needs. As the site lies outside the defined villages and the building is proposed to be inhabited by an elderly relative in the short term and the applicants children in the long term rather than a person involved in agricultural or forestry or for a person in housing need, the erection of an independent unit of accommodation in this location would clearly be contrary to Policy CP12. The introduction of an additional independent unit of accommodation in the locality would also lead to an erosion of the local character and special

qualities of the National Park, resulting in a suburbanising effect within the rural context, contrary to Policy CP8.

- 11.12 The applicant has submitted details of disability, medical appointments, prescriptions and care entitlement of the elderly relative in question. It is claimed that there are currently four adults living in a three bedroom house and that the relative in question needs to have room for herself. The information submitted also sets out that the building would in the future be occupied by the applicant's children as living accommodation if they are not in a financial position to afford to buy their own home in the forest.
- 11.13 However, the care of an elderly relative or the future living accommodation for children do not constitute exceptional circumstances by which to permit an outbuilding which would clearly be contrary to policy, as set out in the supporting information to Policy DP11 on p.44 of the Core Strategy. It is therefore not considered to be so exceptional a case as to warrant special attention, and could set an unfortunate precedent. Even if it were, the options of extending or altering the main dwelling to provide this additional habitable accommodation do not appear to have been explored, and this should have been considered in the first instance. At the time of the Case Officer site visit it was noted that the property has an attached double garage as well as a side conservatory which appears to be in use as storage space. The potential of converting the existing garage or using the existing conservatory or its demolition and replacement with an extension which could provide the necessary accommodation should be considered.
- 11.14 No detail of why the proposed accommodation could not be provided in the main house or into the attached garage as a conversion was initially provided as justification for the proposed separate building. When such information was requested, the applicant advised that the garage and conservatory are currently in use for storage. The applicant advises that they have collected quotes to undertake works to either convert and/or extend the garage or to remove and replace the conservatory but that these were beyond what could be afforded and as a result the annexe was considered as an appropriate alternative route. No details of such quotes have been provided. The applicant states that to convert and use the garage for accommodation would result in the need to build another garage as one is still required for use with the main house. This would, however, be a preferable option for the LPA since an outbuilding to provide a garage could meet the requirements of DP12 by being incidental to the main house and not providing habitable accommodation.
- 11.15 It is not considered that sufficient justification or evidence has been provided to demonstrate an exceptional circumstance to permit an outbuilding which would be contrary to Policy DP12 by

way of its use. Insufficient evidence has been provided as to why the required accommodation cannot be provided in main house, such as in the existing garage through a conversion and replacement garage elsewhere on the site.

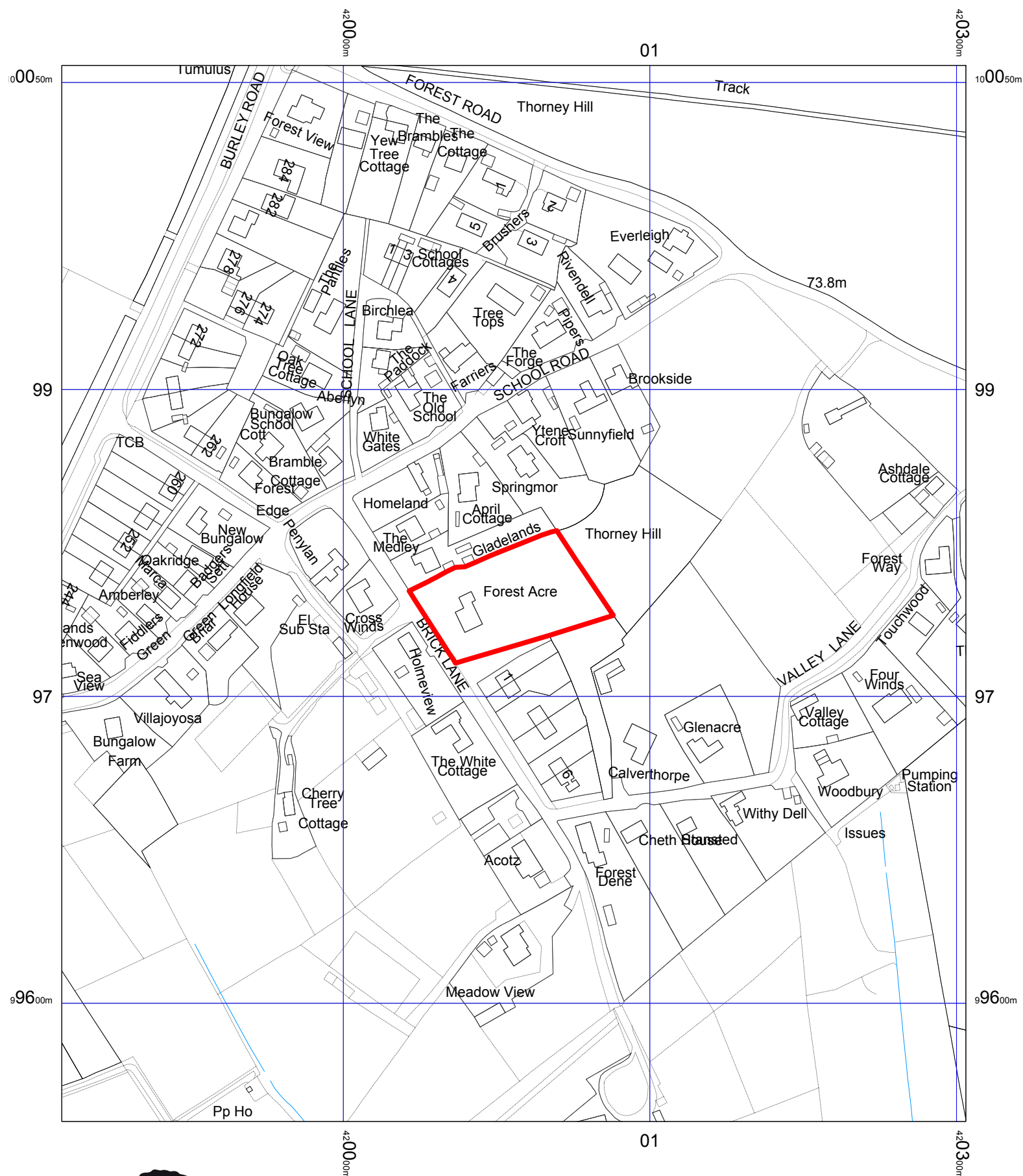
- 11.16 The proposed building within the wider landscape would essentially result in the creation of an additional residential unit in the area, thus having an adverse impact on the fragile ecology of the area. The site lies within 400m of the New Forest SPA and no mitigation measures have been offered. Whilst the proposed arrangement may be for an extended family situation, this might not always be the case (once permitted) and the converted outbuilding could easily be separated from the main dwelling. Policy CP1 of the Core Strategy confirms that any new housing to be located within such proximity will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects on the ecological integrity of the SPA. In the absence of any such information, the proposal is considered to be contrary to Policy CP1.
- 11.17 An additional consideration is that accommodation which is being provided within detached outbuildings within a domestic curtilage should also be considered with regard to Policy DP11. The site lies outside the four defined villages of the New Forest National Park and is therefore subject to restrictions in the increase in habitable floorspace imposed by Policy DP11. Policy DP11 restricts this increase to no more than 30% of the original floorspace unless the property is classed as a small dwelling and then there is a limit of 100sqm as a maximum habitable floorspace. However as no floorplans of the existing dwelling have been provided it has not been possible to assess whether the proposals would fall within these limits.
- 11.18 The proposal would be contrary to Policies CP1, CP8, CP12, DP1 and DP12 and the application is therefore recommended for refusal.

12. RECOMMENDATION

Refuse

Reason(s)

- 1 The proposed development, by virtue of its domestic design and introduction of habitable accommodation, would result in a self-contained additional residential unit resulting in a cramped layout and overdevelopment of the site which would be detrimental to the character and appearance of the area and would be contrary to policies DP1, DP12, CP1, CP8 and CP12 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010).



NEW FOREST
NATIONAL PARK

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