

**East Malling &
Larkfield**
Larkfield North

569755 159519 29 July 2010

TM/10/02102/FL

Proposal: Two storey side extension to form 2 bedroom annexe and new single garage to side
Location: 6 Jerome Road Larkfield Aylesford Kent ME20 6UR
Applicant: Mr I Dunster

1. Description:

- 1.1 Members will recall that this application was deferred from the Committee meeting on 30 September 2010 to seek a fully dimensioned and surveyed, scaled, site layout plan to indicate how the extension and garage can fit on the site whilst retaining the existing fence and hedge. It was also deferred in order that clarification could be obtained on the definition of an annexe and whether there is a difference between an annexe and a self-contained annexe.
- 1.2 A copy of my report to the previous meeting and the relevant supplementary report, are annexed to this report.

2. Reason for reporting to Committee:

- 2.1 The application has been deferred from a previous Committee meeting and was originally reported to Committee at the request of a local Member who considered the proposal to be virtually a repeat of one previously dismissed at appeal, and in the light of the planning history of the site.

3. Determining Issues:

- 3.1 An additional site layout plan has been received, drawn to scale and with relevant dimensions annotated on it, which shows that the proposed extension can be accommodated on the site without altering the location of the existing fence and hedge.
- 3.2 So far as I can ascertain, there is no formal definition of an "annexe" contained in any Planning legislation. However, in paragraph 2.81 of Annex 2 to Circular 10/97: *Enforcing Planning Control: Legislative Provisions and Procedural Requirements*, there is some helpful guidance on what might constitute a "use as a single dwellinghouse". This says:

*It is considered that the criteria for determining use as a single dwellinghouse include both the **physical condition** of the premises and the **manner of the use**. Where a single, self-contained set of premises comprises a unit of occupation, which can be regarded as a separate "**planning unit**" from any other part of a building containing them; are designed or adapted for residential purposes, containing the normal facilities for cooking, eating and sleeping associated with*

use as a dwellinghouse; and are used as a dwelling, whether permanently or temporarily, by a single person or more than one person living together as, or like, a single family, those premises can properly be regarded as being in use as a single dwellinghouse for the purposes of the Act. (emphasis added.)

Although this addresses a somewhat different question, the concepts mentioned are, in my opinion, also of potential relevance when considering what might constitute an “annexe”.

- 3.3 An annexe is most likely to be occupied by a family member, will share some facilities (which may include living accommodation, garden and parking space) with the main part of the dwelling, and may have a connecting door to the main part of the dwelling or be accessed via the main house.
- 3.4 Experience from appeal decisions and caselaw indicates that the occupant(s) of an annex can live independently from the rest of the household but this may not amount to the creation of a separate planning unit requiring planning permission. Indications that the occupants are not “living separately” can include such things as a shared partaking of meals, and the lack of separate billing accounts from utility companies (water, electricity, etc). There are therefore a number of factors to be taken into account, over and above the purely physical arrangements.
- 3.5 The proposed annexe shown would share a parking area and rear garden area with the existing dwelling.
- 3.6 There is nothing arising from this further research that alters my previous recommendation that planning permission should be granted.

4. Recommendation:

- 4.1 **Grant Planning Permission** in accordance with the following submitted details: Validation Checklist dated 29.07.2010, Planning Statement dated 29.07.2010, Floor Plan 6-JEROME-ROAD-01 B dated 29.07.2010, Elevations 6-JEROME-ROAD-02 B dated 29.07.2010, Floor Plan 6-JEROME-ROAD-03 B dated 29.07.2010, Elevations 6-JEROME-ROAD-04 B dated 29.07.2010, subject to:

Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 All materials used externally shall match those of the existing building.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 3 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of the building without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of the amenity and privacy of adjoining property.

- 4 The extension shall not be occupied until the garage and the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter the garage and parking space shall be kept available for such use and no permitted development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to these reserved spaces.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order amending, revoking or re-enacting that Order, no development shall be carried out within Classes A, B, C or D of Part 1 of Schedule 2 to the Order unless planning permission has been granted on an application relating thereto.

Reason: In order that the Local Planning Authority may control any such development in the interests of the amenity and character of the locality.

- 6 This permission shall be an alternative to the following permission(s) and shall not be exercised in addition thereto, or in combination therewith. (Permission(s) granted on 22.12.2009 and under reference(s) TM/09/02576/FL).

Reason: The exercise of more than one permission would result in an over intensive use of the land.

- 7 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing hedge. Any of the hedge plants removed, dying or seriously damaged or diseased within 10 years of the date of the decision notice shall be replaced in the next planting season with trees or shrubs of similar species, unless the Authority gives written consent to any variation.

Reason: In the interests of the character and appearance of the area.

- 8 Notwithstanding the conditions on the original planning permission for the development of this estate, a panel fence of the same height shall be retained in the position shown on the approved plan at all times, unless the Authority gives written consent to any variation.

Reason: In the interests of the character and appearance of the area.

Informatives

- 1 The applicant is reminded that if at any time it is intended to occupy any part of the dwelling resulting from this permission as a separate dwelling, independent from the main dwelling, this will need to be the subject of an application for planning permission.

Contact: Hilary Johnson