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Supporting Statement

65 West End Road, Wyberton, Boston, PE21 7LP

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The following statement is to accompany a householder planning application for a proposed extension & conversion of the existing residential garage (incidental use) to an ancillary residential annex

Applicant : Mr Marshall

Nov 2020

Ref:D&A.167-01

Use

Residential annexes, also known as 'granny' annexes and ancillary residential accommodation, are a common form of development that allows relatives to live with their family but with a degree of independence.

It should be recognised that some families want or need ancillary accommodation, for various reasons;

- the need/desire to care for relatives unable to remain in their own home, but who do not want to move into a care home; or
- to make space for younger generations to remain at home or return home (e.g. to assist or take on a family-run business) but who want their own space to live their own lives, near to, but out from under the feet of their parents; or
- to provide accommodation for an employee where the pattern of work is part-time or seasonal and therefore would not justify a worker's dwelling.

In this instance the residential annex is for the applicant's daughter to reside in.

The use of the annexe could be controlled via condition, to secure the ancillary use of the building for the future and prevent it being used as an independent unit.

Relevant Terminology

'Planning Unit'

A 'planning unit' is a fundamental principle of planning law. It is defined by historical occupation, boundaries and ownership.

Defining the 'planning unit' is a well-known formula that was outlined in the case of *Burdle and Another v SSE and Another* [1972] 24 P.&C.R. 174 as:

'The unit of occupation, until or unless some other unit is identified which is physically and/or functionally separate from it'.

'Residential Curtilage'

In respect of outbuildings erected under Class E of the General Permitted Development Order⁵ and the change of use of buildings under Section 55 of the Town & Country Planning Act 1990, the building must be located within the 'residential curtilage' of the dwellinghouse.

'Residential curtilage' is the boundary of a private garden or the extent of the land surrounding premises normally defined on the ground by some physical features. This is usually quite easy to determine

'Primary Use'

Each 'planning unit' will have a 'primary use'. In the case of dwellinghouses, the primary use will be the main/existing/original dwellinghouse and any associated garden (Use Class C3a). It can also include one or more 'ancillary' or 'incidental' uses that do not alter the primary use of the land, providing they are closely linked and subservient to it.

There are certain circumstances therefore where additional living accommodation can be 'ancillary' or 'incidental' to the primary use of a dwellinghouse and remain within the same planning unit. For example a dwellinghouse (the primary use) with a detached garage (incidental use) and a detached granny annex occupied by a family member (ancillary use) can all remain within the same planning unit and Use Class C3(a).

'Ancillary Use'

A building used for ancillary purposes will generally contain such accommodation as a bedroom(s), a kitchen, a bathroom(s) and/or a living room (those uses that are usually found within a standard dwellinghouse). These uses are known as 'primary living accommodation'.

An ancillary residential annex can provide all the primary living accommodation that would allow it to be self-contained. However self-contained living accommodation would normally create a new planning unit (i.e. a new dwellinghouse).

In order for the primary living accommodation to be regarded as 'ancillary' to an existing dwellinghouse is dependent on who occupies the accommodation and the reliance of those occupants on the existing dwellinghouse for their day-to-day needs.

The ancillary primary living accommodation together with the existing dwellinghouse must still fall under the definition of a Class C3(a) dwellinghouse, as outlined in the Use Classes Order and therefore it must be occupied as a whole by:

'a single person or family (a couple, whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.'

There are a number of other criteria that ancillary residential accommodation must comply with for it to be 'ancillary' to the main dwellinghouse, listed further under the [Planning justification](#) section.

Development Status

Usually, if there is an existing outbuilding within the residential curtilage of a dwellinghouse and the building is already lawfully 'residential' in use (e.g. incidental), a change of use to an ancillary 'residential' use is not deemed to be development under Section 55 of the Town & Country Planning Act 1990

The courts have determined that the creation of an annex via the change of use of an existing outbuilding used for incidental purposes and located within the curtilage of a dwellinghouse would not comprise development (providing it doesn't result in the creation of a separate planning unit) as it would still fall within the primary use as a dwellinghouse.

Reference; *Rambridge v SSE & E Herts DC (1997)* & *Uttlesford DC v SSE & White (1992)*

However, due to these proposals involving extension works as well as conversion, it is assumed in this instance a planning application is required.

Planning Justification

In addition to the points previously raised, it is believed the proposed development is justified for the following reasons;

- The resultant residential annex is subordinate in scale to the main dwellinghouse
- Vehicular access is shared with the main dwellinghouse, the current single access to the highway will continue to serve the house and annexe.
- Ownership of the site will remain with the applicant. The main house and annexe will not be split into separate titles or leased.
- Postal addresses & utilities are shared with the main dwellinghouse, there will be no separate bills or addresses.
- The annex is located within the residential curtilage of the main dwellinghouse as well as within the same planning unit.
- Siting has no detrimental impact on the wider landscape setting or neighbouring amenity.
- There is a functional connection/degree of dependence with the main dwellinghouse (the occupant is a dependent relative of the residents of the main dwellinghouse)
- The scale of accommodation can be justified for its intended occupant, the applicant's daughter. The area dedicated to habitable use within the annexe would not be unduly large in comparison to the associated dwelling.
- There is no boundary demarcation or sub-division of the garden/amenity areas between the main dwellinghouse and the annex.
- Adequate parking spaces remain within the planning unit with unaltered large driveway/parking/turning areas along with an existing double garage attached to the main dwelling and a large single garage proposed to the ground floor of the annex.

Notwithstanding the fact that the building would be capable of independent occupation, as evidenced above the annexe would in no way be used as an independent dwelling (hence, separate planning unit). The proposed use of the annexe and its shared access point, utilities and address all support the proposed ancillary use.

The proposed plans are for an annexe which is clearly still subservient to the main dwelling and the existing generously sized gardens & driveway will remain. The building is designed to be in keeping with its surroundings.

Furthermore, the proposed use of the annexe could be controlled via condition, to secure the ancillary use of the building for the future and prevent it being used as an independent unit.

Air Quality

We have considered air quality as part of this development and do not consider there is mitigation that can be implemented as part of this development.

Drainage Assessment

Surface water from any impermeable surfaces will be taken to existing soakaways, negating any increased risk of flooding to the locality & foul drainage will be taken to the mains sewer.