

38/15/0491

MR J ALLEN

**CONVERSION AND EXTENSION TO DETACHED GARAGE TO FORM AN ANNEXE AT 17A THE AVENUE, TAUNTON (AMENDED SCHEME TO 38/15/0346) AS AMENDED BY PLANS RECEIVED 14 DEC 2015**

Location: 17A THE AVENUE, TAUNTON, TA1 1EB

Grid Reference: 322306.125349

Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Condition(s) (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo J133/03A Survey Drawing  
(A3) DrNo J133/02A Proposal Drawing  
DrNo J133/02C Proposed Floor Plan and Block Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The extension (building) hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 17A The Avenue.

Reason: To prevent the building being occupied or sold separately from the main dwelling in view of the relationship to the main house and character of the area.

## Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.

## Proposal

Conversion and extension of existing detached garage to create a self-contained annexe for dependant relatives.

The existing garage will be extended to measure 9.2m in length by 5.5m in width and a ridge height of 3.6m. It will have self contained facilities including a kitchen/living room, bedroom and shower room. Materials will match the existing garage, rendered walls and a tiled roof.

The Agent has submitted information with the application to justify the need for an annex for a dependant relative within the curtilage of the property. The facilities contained within the annex are self-contained but will be linked by alarm to the main house in case of emergency.

In addition, illustrative schemes have been submitted with the application to show the possible locations of a single storey extensions, this would give a similar level of accommodation but would adversely impact on the design of the property and the character of the area.

Amended plans have been received to show the boundary of the site and also the level of parking and turning still available within the site should the conversion take place.

## Site Description

17a The Avenue is a period property located within the Staplegrove Road Conservation Area. The original property (17 The Avenue) was extended and has previously been subdivided, 17a retains many of the original features from the split and has its garden to the front and side, south and east. The garage that is proposed to be converted was given planning permission in 1992 under reference 38/92/0178.

The garage 5.5m x 5.86m is located within eastern corner of the garden, with Chip Lane running behind and the boundary with the Neighbour at 16b The Avenue to the south. This boundary has a 1.8m wooden fence and is well screened by existing trees and planting.

## Relevant Planning History

A similar application, reference 38/15/0346 was presented to Planning Committee with the recommendation of approval, but ultimately the application was refused.

The reason for refusal specified that the creation of the accommodation was tantamount to a new build (rather than conversion) and therefore contrary to Policy H18. In addition, it had not be demonstrated that a policy compliant extension to the property would be more damaging than the conversion of the garage.

## Consultation Responses

None received.

## Representations Received

1 letter of no observations

2 letters of **objection** on grounds of

- overloading drainage system,
- should convert the basement,
- the conversion would have to be raised or substantial landscaping undertaken,
- the house and grounds deserve to remain in their original form.

## Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
H18 - TDBCLP - Ancilliary Accommodation,  
CP8 - CP 8 ENVIRONMENT,

## Local finance considerations

### Community Infrastructure Levy

The application is for residential development in Taunton where the Community

Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £3500.00 (index linked) if the existing garage is not in lawful use or £1500.00 (index linked) if the existing garage is in lawful use.

### **New Homes Bonus**

The development of this site would not result in payment to the Council of the New Homes Bonus.

## **Determining issues and considerations**

As per the previous application, the existing garage that is to be extended and converted to a separate annex is located in a part of the garden that is well screened by an existing boundary fence, trees and planting, which the Agent has indicated will remain. Although the garage will extend to the front and the ridge slightly raised (by 0.4m), it is considered that these proposed changes will not impact on the amenity of the adjoining neighbours or detract from the character or integrity of the existing property. It is accepted that although there will be a loss of parking due to the loss of the garage, a plan has been submitted to show where replacement parking and turning can be achieved to compensate for the loss. The site is large enough to accommodate parking within the garden for this to not to be an issue.

The Agent has supplied additional personal information with this application to specify why the Applicant requires to be living close to Family Members whilst retaining a degree of independence. Whilst the facilities within the annex will be self-contained, Policy H18 allows the conversion of outbuildings to such uses. While concern was previously raised over the extent of works to convert the building, even if the proposal were for a new building this would comply with policy H18: Policy H18 states that new building is allowed within the curtilage of a dwelling for ancillary accommodation but is not permitted unless:

(A) the proposal would be less damaging to the character of the main dwelling or the surroundings than an extension or conversion which meets the need;

(B) it would be close enough to the main dwelling to maintain a functional relationship;

(C) it does not harm the residential amenity of other dwellings;

(D) it does not unacceptably prejudice the future amenities, parking, turning space and other services of the main dwelling; and

(E) it does not harm the form and character of the main dwelling and is subservient to it in scale and design.

The proposed garage conversion would be clearly less damaging to the character of the main dwelling than an extension. In fact the plans show extending the main house would have a detrimental impact on its character that in my view would harm

the character of the conservation area. The garage to be converted would be only 13m away from the main house which is well related. It is not considered that the proposal would harm the amenity of other dwellings and it would certainly be less of an impact than extending the main house. The scheme maintains parking and turning for the property and is not considered to harm the main dwelling and is considered subservient to it in scale.

It is accepted that due to the location within the site an independent use could have an adverse impact on Neighbouring amenity, however a restrictive condition has been recommended that requires the annex to be used in connection with the main property.

In light of the above considerations the proposal is considered to comply with policy and it is therefore recommended for approval.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

**Contact Officer: Mrs S Melhuish**