

E/0231/43/13

**UNAUTHORISED USE OF ANNEXE AS SEPARATE UNIT OF ACCOMMODATION
AT 46 WELLESLEY PARK, WELLINGTON**

OCCUPIER:

OWNER: MR VACANI
46 WELLESLEY PARK, WELLINGTON, TA21 8PZ

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the cessation of an annexe as a separate unit of accommodation.

RECOMMENDATION

No further action be taken.

SITE DESCRIPTION

46 Wellesley Park, Wellington is a large detached dwelling of rendered walls under a plain tiled roof situated in a residential street in Wellington. To the side of the dwellinghouse there is a pitched roof extension with a dormer incorporating a garage and annexe.

BACKGROUND

The complaint was brought to the Council's attention in November 2013. A site visit was carried out but no one was there, following this a letter was sent and a response was received admitting that the annexe/ancillary accommodation was being used as a separate unit. An application to regularise the situation has not been forthcoming.

DESCRIPTION OF BREACH OF PLANNING CONTROL

The approved extension and dormer window to allow conversion of a 2nd garage into living accommodation was approved under Planning application 43/06/0061 dated 29 June 2006. A number of conditions were attached to this approval. Condition 03 states:

The accommodation hereby permitted shall be used solely in connection with the use of the existing house as a single family dwelling and shall not at any time be used as a separate unit of accommodation.

Reason: An independent separate unit of accommodation would not be acceptable, having regard to residential amenity and road safety, in accordance with Taunton Deane Local Plan Policies S1, S2, H17 and H18.

Regardless of the condition the formation of a separate unit of accommodation is development that requires the express grant of planning permission.

RELEVANT PLANNING HISTORY

43/06/0061 - Conditional approval 29 June 2006 - Erection of extension and dormer window to allow conversion of 2nd garage into additional living space at Greenlands, 46 Wellesley Park, Wellington, TA21 8PZ or any minor variation thereto

as may be agreed in writing by the Local Planning Authority.

An invalid application to remove the condition was submitted but withdrawn when after the applicant was advised that full planning permission would be required for a change of use.

RELEVANT PLANNING POLICES

Taunton Deane Core Strategy

DM1 - General requirements

CP4 - Housing

CP6 - Transport

National Planning Policy Framework

(4) Promoting Sustainable Transport

(6) Delivering a wide choice of high quality homes

DETERMINING ISSUES AND CONSIDERATIONS

The site is located within the settlement limit of Wellington where new independent residential units is acceptable in principle. In this instance, planning permission was granted for an annexe attached to 46 Wellesley Park, with internal and external links to between the annexe accommodation and the main dwelling. The annexe is small and shares the amenity and parking area of the main dwelling.

Due to the limited degree of parking available within the site and to prevent any potential adverse impact upon the amenity of neighbouring dwellings, the occupation of the annexe was restricted by way of condition.

The occupation of the annexe as an independent unit will result in an increased dependence upon the private motor vehicle and the need for parking within the site. At present there is sufficient space for two vehicles to park within the site; the integral garage appears to be used for storage and did not seem to be readily available for parking vehicles at the time of visiting the site. Two parking spaces to serve the main dwelling and independent annexe is insufficient and it is likely therefore that vehicles may be required to park alongside the highway. If such were to occur it would impede the flow of traffic along Wellesley Park and pose a hazard to highway safety.

Notwithstanding the above, the level of vehicle movements associated to a one bedroom property will be low and even if occupied in compliance with condition 03 of the original planning permission, there may also be some additional vehicle movements by any resident dependent. The impact of displacing a vehicle onto the highway is not considered to represent a severe risk to highway safety given the width of the highway and degree of forward visibility that is provided by the linear alignment of the road.

With regard to amenity, the use of the annexe as an independent unit of accommodation is not, in its present form, considered to have an adverse impact upon neighbouring residents. Ideally the shortcomings in the current arrangement, i.e. the slight underprovision of parking and the lack of division of private amenity space would be controlled through conditions if a planning application were submitted. However, for the reasons given, it is not considered that the absence of

such control (caused by the lack of an application) is so severe as to warrant any formal enforcement action. That is, planning permission would not be refused in the absence of conditions to that effect.

In conclusion, it is not considered to be expedient to take enforcement action in order to cease the occupation of the annexe as a separate unit of accommodation, as the unauthorised use is not considered to have an adverse impact upon highway safety or neighbouring amenity to a degree that is unacceptable in planning terms.

In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998

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