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**F/YR22/0427/F**

**Applicant: Mr Ben Turner, Turner Contracting Ltd.**

**Agent: Peter Humphrey Associates Ltd.**

**Lavender Cottage, Seadyke Bank, Murrow, Wisbech**

**Erect an annex (2-storey, 2 bed) incorporating triple garage and pool house**

**Officer recommendation: Refuse**

**Reason for Committee: Referred by Head of Planning on advice of Committee Chairman**

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## **1 EXECUTIVE SUMMARY**

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| <p>1.1 The site is located outside the built framework of Murrow on the northern side of Seadyke Bank close to the junction with High Side and Sand Bank and comprises a residential property containing a previously extended two storey dwelling, a swimming pool, and modern stables outbuilding.</p> <p>1.2 The application seeks permission to erect a 2-storey, 2-bed detached annexe incorporating a triple garage and pool house to be used ancillary to the existing dwelling.</p> <p>1.3 The proposed annexe/garage/pool outbuilding would have a footprint considerably larger than that of the original dwelling and have an overall frontage width larger than the dwelling also. The annexe/garage element would be two storied meaning that the scale of the development would be accentuated.</p> <p>1.4 The development by reason of its overall physical size and intended level of usage is not considered to be ancillary or subservient to the main dwelling to which it would relate, whereby it is further argued that by reason of its internal layout and level of accommodation being akin to a separate dwelling. This would conflict with locational policies for new development contained within the Local Plan as well as representing an overdevelopment of the site to the detriment of the character of the area.</p> <p>1.5 It is stated in the application that there would be a functional need for the applicant's father to be living at the site to help contribute in the running of the adjacent family contracting business. However, the functional need test is usually applied to consideration of a rural worker's dwelling, which is not the case here. This further attracts the notion of the annexe being a separate dwelling.</p> |
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- 1.6 Due to the development being essentially considered as a new dwelling, the application also fails the sequential test as no such information has been submitted with the application.
- 1.7 On the basis of the assessment of the application proposal, it is considered that the proposal would fail to accord with the provisions of the NPPF, Fenland Local Plan Policy LP3, LP12, LP14 and LP16 and design advice contained within the adopted Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland 2014 and the application is recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1 The site is located outside the built framework of Murrow on the northern side of Seadyke Bank close to the junction with High Side and Sand Bank.
- 2.2 The site comprises a residential property containing an older style c20 built tiled and rendered two-storey dwelling which has been previously extended at two storey level to the rear and by a single storey range to the side/rear fronting onto a vehicular access track to the front of the property leading from Seadyke Bank. The single storey range includes a gated covered car port in the middle and an office at the end which serves the applicant's building contracting business run from a yard to the immediate north of the site.
- 2.3 The interior of the site is level and contains a small unused outdoor swimming pool and a detached stable building. A partly constructed brick pier wall exists in front of the swimming pool. The southern and western boundaries of the site are vegetated, whilst a farm exists to the immediate west of the site. Public Footpath No.6 Parson Drove runs over the vehicular access track before extending further to the north. The site is located within Flood Zone 3.

## **3 PROPOSAL**

- 3.1 This application seeks full planning approval to erect a 2-storey, 2-bed detached annexe incorporating a triple garage and pool house to be used ancillary to the existing dwelling.
- 3.2 The annexe/garage element of the proposed outbuilding would be 1½ storey and would have a width of 14.3m and overall depth of 14.0m with a height to the eaves of 2.8m and height to the ridge of 7.1m incorporating 3 no. front dormers and 2 no. rear dormers. The annexe would comprise a ground floor kitchen and living area, with a further living area at first floor and two, en-suite double bedrooms.
- 3.3 The pool house element to the side would be single storey and would have a width of 9.0m and depth of 16.0 with a flat roof incorporating a central lantern light. The outbuilding would be externally clad in tile and render to match the existing dwelling.

## **4 SITE PLANNING HISTORY**

- 4.1 There is no recent planning history relating to this site. Older history and newer applications relating to the adjacent yard but listed for Lavender Cottage are given below:

F/1404/89/F	Erection of 2-storey extension to house	Granted
F/94/0402/F	Erection of single storey extension to existing house	Granted
F/YR22/0190/F	Change of use of site to a building contractors yard (Sui-Generis) (retrospective)	Granted 13.6.22

## **5 CONSULTATIONS**

### **5.1 Parson Drove Parish Council**

Support application

- 5.2 **Definitive Map Team, Cambridgeshire County Council** – No PROW objections subject to standard PROW informatives being imposed on any grant of planning permission.

- 5.3 **North Level Commissioners** – No comment to make.

### **5.4 Local Residents/Interested Parties**

No representations received.

## **6 STATUTORY DUTY**

- 6.1 Section 38(6) of the Planning and Compulsory purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

## **7 POLICY FRAMEWORK**

### **7.1 National Planning Policy Framework (NPPF) (as revised July 2021)**

Paragraph 11 – presumption in favour of sustainable development

Paragraph 47 – decisions to be made in accordance with the development plan unless material considerations indicate otherwise

Paragraph 126 – good design is a key aspect of sustainable development

Paragraph 167 – Applications should be supported by site specific flood risk assessments

### **7.2 National Planning Practice Guidance (NPPG)**

### **7.3 National Design Guide 2019**

L1 – Well managed and maintained

C1 – Understands and relate well to the site, its local and wider context  
H1 – Healthy, comfortable and safe internal and external environment

#### **7.4 Fenland Local Plan 2014**

LP1 – Presumption in favour of sustainable development  
LP2 – Facilitating the health and well-being of Fenland residents  
LP12 – Rural Areas Development Policy  
LP14 – Responding to climate change and managing the risk of flooding  
LP15 – Facilitating the creation of a more sustainable transport network  
LP16 – Delivering and protecting high quality environments

#### **7.5 Cambridgeshire flood and Water SPD 2016**

#### **7.6 Parson Drove Neighbourhood Development Plan (2019 to 2032)**

Within neighbourhood plan boundary. No specific plan policies relating to this site.

### **8 KEY ISSUES**

- **Principle of development**
- **Design considerations**
- **Impact on residential amenity**
- **Flood risk**

### **9 ASSESSMENT**

#### **Principle of development & impact on character of area**

- 9.1 The site is located outside the built framework for Murrow and therefore lies within an 'Elsewhere' location in the settlement hierarchy set out in Policy LP3. By reason of both its overall physical size and intended level of use it is considered that the development would not be ancillary or subservient to the main dwelling. It is noted in the supporting Design and Access Statement it is stated that there would be a functional need for the applicant's father to be living at the site to help contribute to the running of the adjacent contracting business, but with no further detail is given as to the nature of this contribution. However, the functional need test is normally reserved for consideration of justified need for a rural worker's dwelling where a new dwelling is required to be within 'sight or sound' of the business concerned for the proper running of that business. This further attracts the notion of a separate dwelling.
- 9.2 The submitted plans for the annexe outbuilding show a proposed living area/kitchen with WC on the ground floor behind an integral triple garage, with a further larger living area to be formed on the first floor to include two bedrooms, both of which would have un-suite bedrooms, although the first-floor internal layout is not annotated. It is understood that one bedroom would be used by the applicant's father whom it is stated would be essential at the site to the contribution of the applicant's business, Turner Contracting Ltd, which is run from the adjacent commercial premises, and the other as a family guest bedroom when required. In this respect, the case is made that the elderly relative is an

essential employee for the business and that there is a functional need for the annexe.

- 9.3 It is not specifically stated what the ground floor of the annexe would be used for, but it is implied that it would be shared between the dwelling and the annexe, although the first floor of the annexe would be used by the applicant's elderly father. Such a layout would not on the face of it represent a good example of accessible living for an elderly relative unless the person was ambulant at the present time and it was to be the applicant's intention at some future date to provide internal adaptations, such as a stair lift or dedicated lift from the ground to the first floor should such design adaptations become necessary to accord with Policy LP169 (k) relating to flexible use and adaption to reflect changing lifestyles. This therefore raises the additional question as to how dependent the intended occupant of the proposed annexe would be on the main dwelling on the site in terms of his normal day to day functional and social needs and whether from this the annexe can be said to be reasonably ancillary to the main dwelling on a fact and degree basis. Whilst some linkage has been suggested between the existing dwelling and the annex in terms of use this is considered to be somewhat tenuous and is not considered to overcome the overall concerns regarding the level of accommodation to be provided within this.
- 9.4 The existing dwelling is 2-storey with a full width 2-storey rear extension with later single storey range and is understood to be 3-4 bedroomed. The proposed annexe outbuilding/pool house as shown would have a combined footprint considerably larger than that of the original dwelling and have an overall frontage width larger than the dwelling also, at 23.3m. The annexe would have a measured ridge height of 7.1m meaning that the scale of the annexe with the pool house combined would be accentuated. It is stated that the integral triple garage is to house the applicant's own cars and that the attached pool house is to make the pool more practical and attractive to use from its current unused state, which is noted.
- 9.5 The actual design and external appearance of the outbuilding is considered acceptable in its own right with a good articulation of scale between the 1½ storey and single storey elements with a good, pitched roof to the annexe element with appropriately located and spaced roof dormers, and external materials to be used would match the existing house.
- 9.6 However, the overall principle of the development is considered to conflict with Policies LP3 and LP12 of the Local Plan with regard to the location of residential development in the countryside and would be of a scale which would dominate the existing dwelling to the detriment of the character of the area.

#### **Impact on residential amenity**

- 9.7 The two-storey level annexe would stand some 9.6m away from the existing dwelling at its nearest point and would be set back into the existing garden plot. Consideration of potential residential amenity impacts between the proposed annexe and the existing dwelling should be at a lower threshold than that which would normally be required were this to be a truly separate dwelling proposal. Notwithstanding this, the NE gable end of the proposed annexe facing onto the

immediate rear sitting out area of the existing dwelling is shown as being windowless as is the almost opposing SW gable end of the existing dwelling, with only a small secondary window showing at first floor level for the side elevation of the rear two storey extension to the dwelling. As such, there would not be any overlooking issues between the two buildings. Similarly, there would not be any loss of daylight or overshadowing issues given the separation distance between the two buildings.

- 9.8 Policy LP16 (h) requires developments to provide sufficient private amenity space suitable to the type and amount of development proposed. As a guide, 33% of the plot curtilage should be set aside as a residential amenity space. Given the overall space available to the existing dwelling and the proposed development it is considered that there would be adequate amenity space available to serve both the development and the existing dwelling.

### **Flood Risk**

- 9.9 The site is located within Flood Zone 3 according to the Environment Agency's flood risk map which represents the highest risk of fluvial flooding. Policy LP14 of the Fenland Local Plan seeks to steer new development away from areas of moderate and high flood risk to areas of low flood risk in line with the NPPF and standing government advice. A detailed Flood Risk Assessment (FRA) has been submitted with the application (Ellingham Consulting Ltd, March 2022), however this contains no sequential test, given the application is made for an annexe.
- 9.10 However, as set out above, it is not considered that the development can reasonably be considered as ancillary to the existing dwelling and as such must be considered in terms of sequential acceptability. The responsibility for the sequential test rests with the applicant and the application therefore fails in this regard.
- 9.11 As the site is within an 'Elsewhere' location the Council's accepted approach is that the requisite area of search is district wide. Consequently, the sequential test is unlikely to be passed.
- 9.11 While the development may practically be safeguarded against any flood risk, this does not override the requirements set out in the NPPF, the Local Plan and the Cambridgeshire Flood and Water SPD for new residential development to be sequentially acceptable.

## **10 CONCLUSIONS**

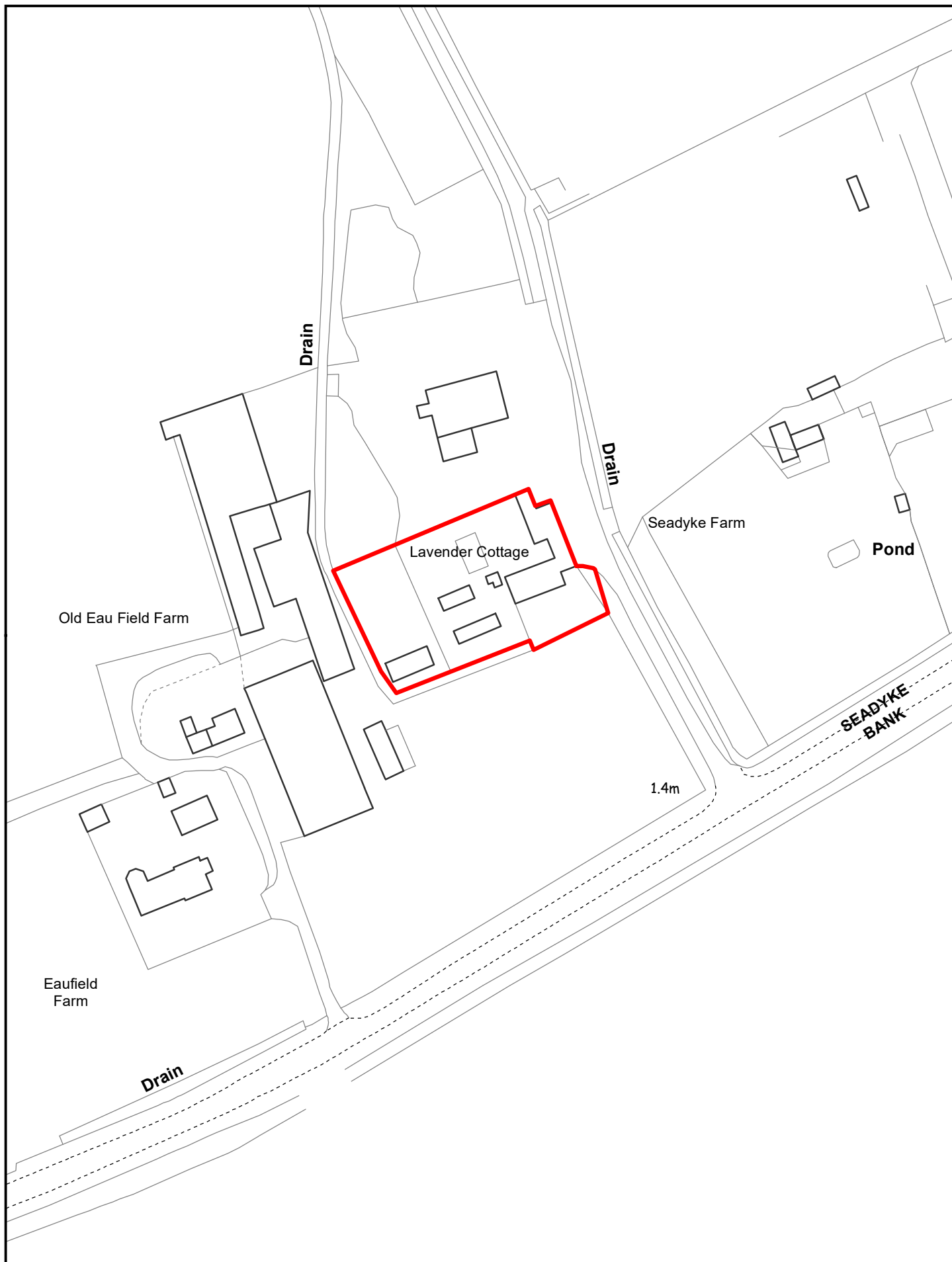
- 10.1 The proposal has been considered against the policies contained within the Fenland Local Plan 2014, the NPPF as revised and associated practice guidance (NPPG) and the relevant SPDs
- 10.2 It is considered that the proposal to erect a 2-storey height 2-bed annexe incorporating triple garage and pool house is unacceptable as it would introduce an outbuilding within the existing residential curtilage which by reason of its overall size and scale and intended level of occupancy would not be reasonably ancillary or subservient to the dwelling to which it would relate. This conflicts with

policy in terms of the principle of unjustified residential development in an Elsewhere location and which is sequentially unacceptable in terms of flood risk. In addition, the overall scale of development is of a size which constitutes overdevelopment to the detriment of the character of the locality contrary to Policy LP16 of the Fenland Local Plan,

## 11. RECOMMENDATION

**Refuse;** for the following reasons:

1	The application site is located within an 'Elsewhere' location within the settlement hierarchy set out in Policy LP3 of the Fenland Local Plan (2014), where, in conjunction with Policy LP12, residential development will be strictly controlled. The development proposed by virtue of its overall scale relative to the main dwelling and the level of accommodation to be provided is not considered to be ancillary or subservient to this and consequently would represent residential development contrary to the above policies with no reasonable justification provided.
2	Policy LP16 (d) and (e) of the Fenland Local Plan 2014, DM3 of Supplementary Planning Document: Delivering and Protecting High Quality Environments in Fenland 2014, and Chapter 12 of the NPPF (as revised) – Achieving well-designed places – seek to ensure that proposals make a positive contribution to the local distinctiveness and character of the area and do not adversely impact upon the amenity of neighbouring properties. The proposed annexe building is of a scale that is at odds with the existing dwelling on the site due to its overall footprint, volume and height in comparison to the proportions of the existing dwelling and as such is of a size which constitutes overdevelopment to the detriment of the character of the locality. Accordingly, the proposal would be contrary to the aforementioned Policy and supplementary planning guidance.
3	<p>The area is identified as falling within Flood Zone 3: Paragraph 162 of the NPPF 2021 requires such development to pass the Sequential Test, which aims to steer new development to areas at the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at a lower risk of flooding.</p> <p>With extant consents and sites readily available across the district on land which is categorised at a lower risk of flooding (in particular Flood Zones 1 and 2), the proposal involves the construction of new residential development on land which is at greater risk of flooding and the Sequential Test has not therefore been met. Consequently, the application is considered to be contrary to paragraph 162 of the NPPF 2021 and Policies LP14 and LP16 of the adopted Fenland Local Plan 2014 and the Cambridgeshire Flood and Water SPD (2016).</p>



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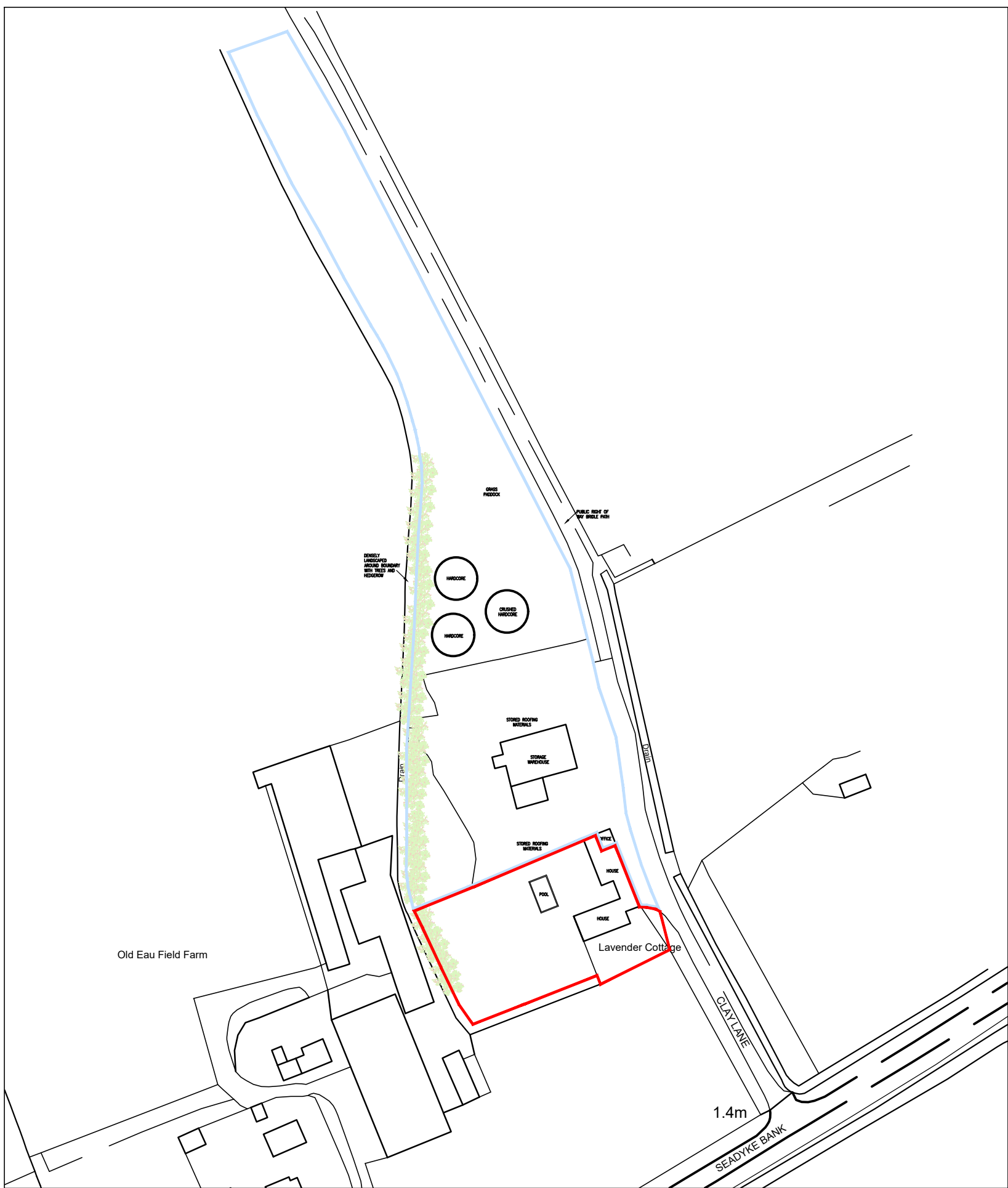
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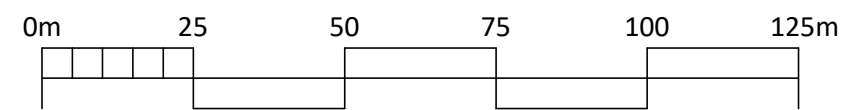


 **Fenland**  
CAMBRIDGESHIRE  
Fenland District Council

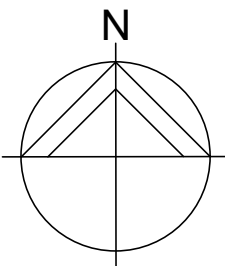
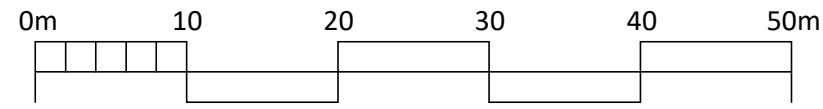




LOCATION PLAN 1:1250



EXISTING SITE PLAN 1:500



A - REVISIONS		
JOB NO.	PAPER SIZE	DATE
6503/EX01	A1	FEB 2022

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CLIENT  
BEN TURNER

PROJECT  
PROPOSED POOL HOUSE AND TRIPLE GARAGE ANNEX

SITE  
LAVENDER COTTAGE  
SEADYKE BANK  
MURROW  
CAMBRIDGESHIRE  
PE13 4SB

DRAWING  
SITE PLAN



PETER HUMPHREY ASSOCIATES

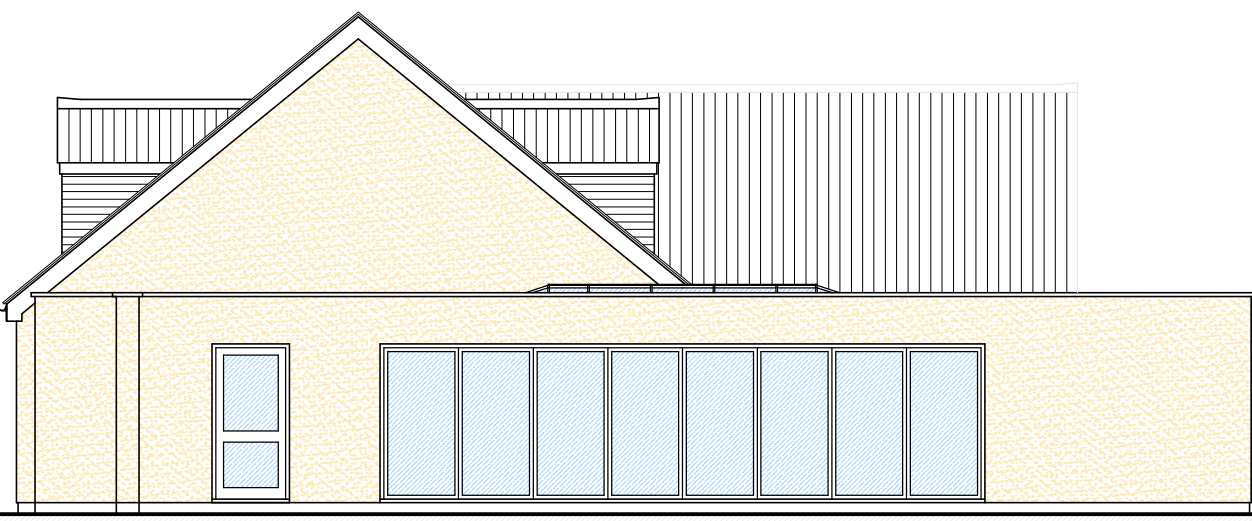
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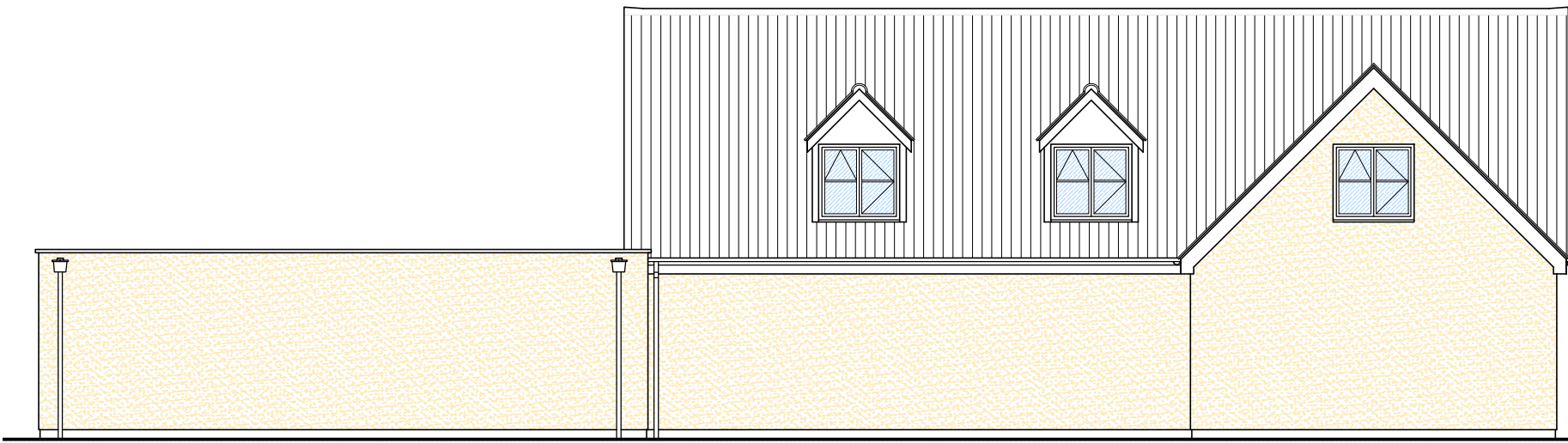




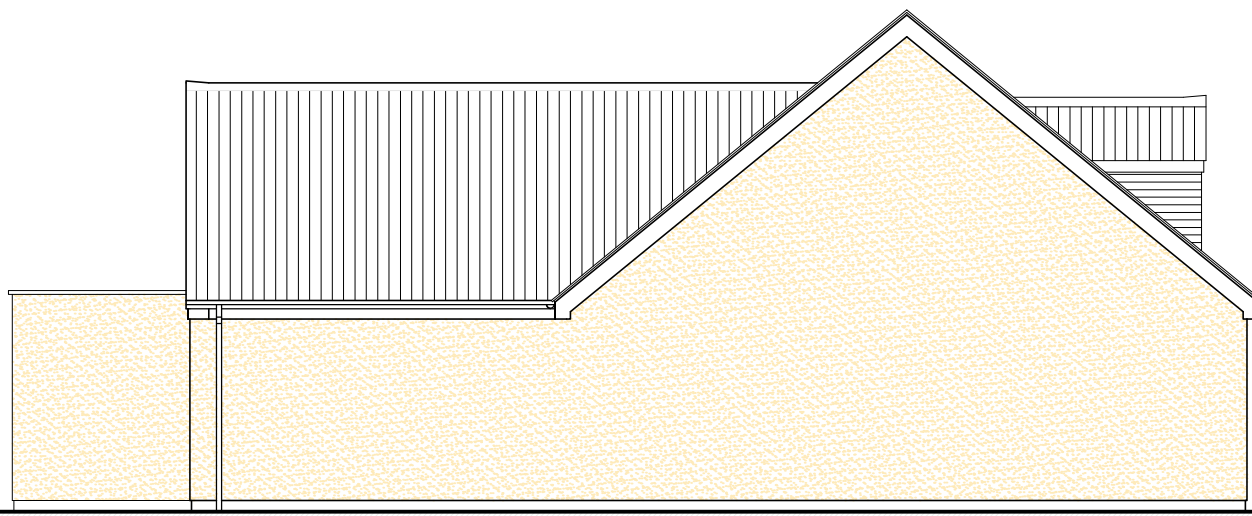
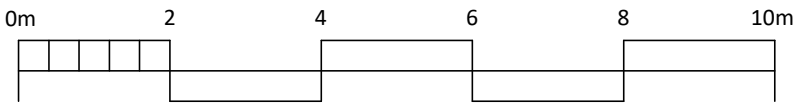
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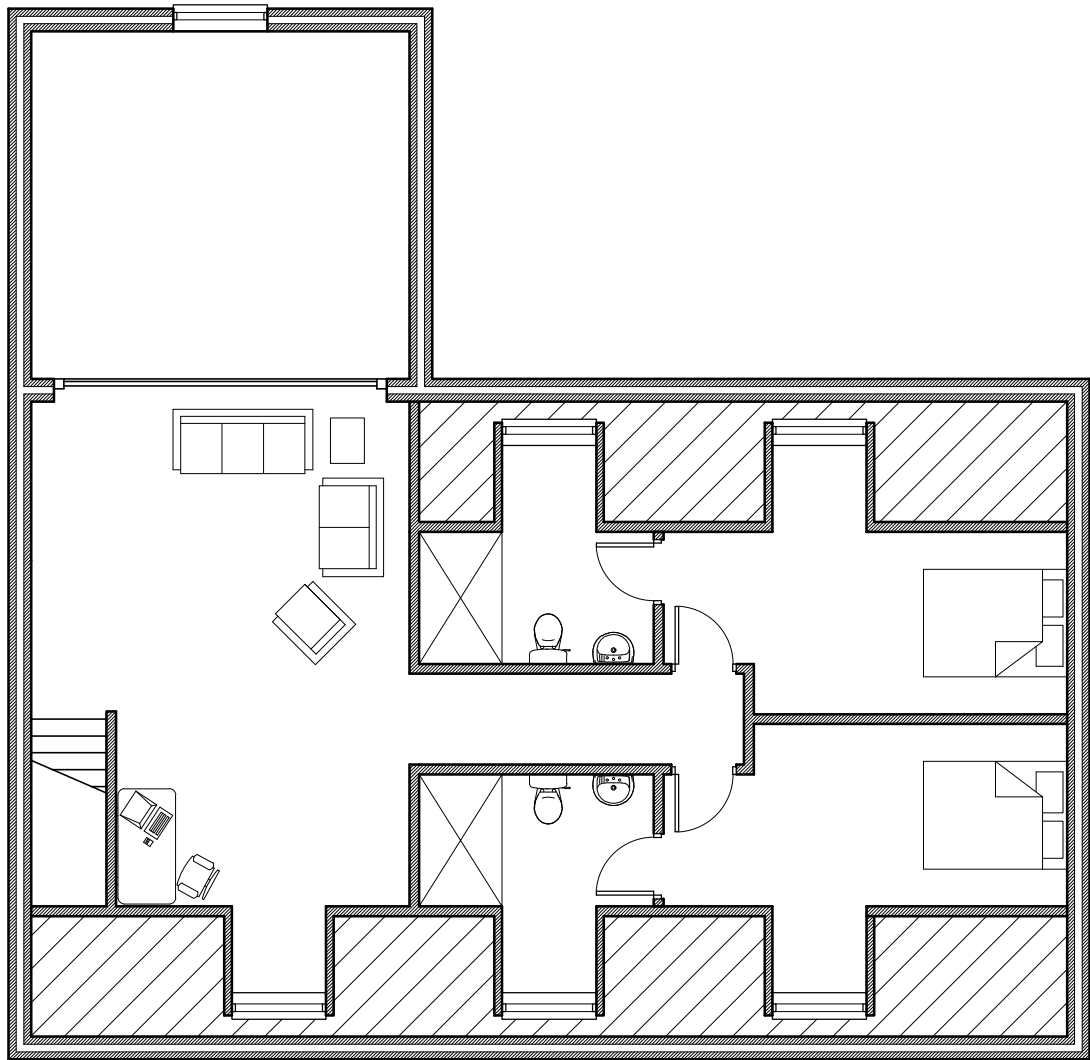
PROPOSED SIDE ELEVATION 1:100



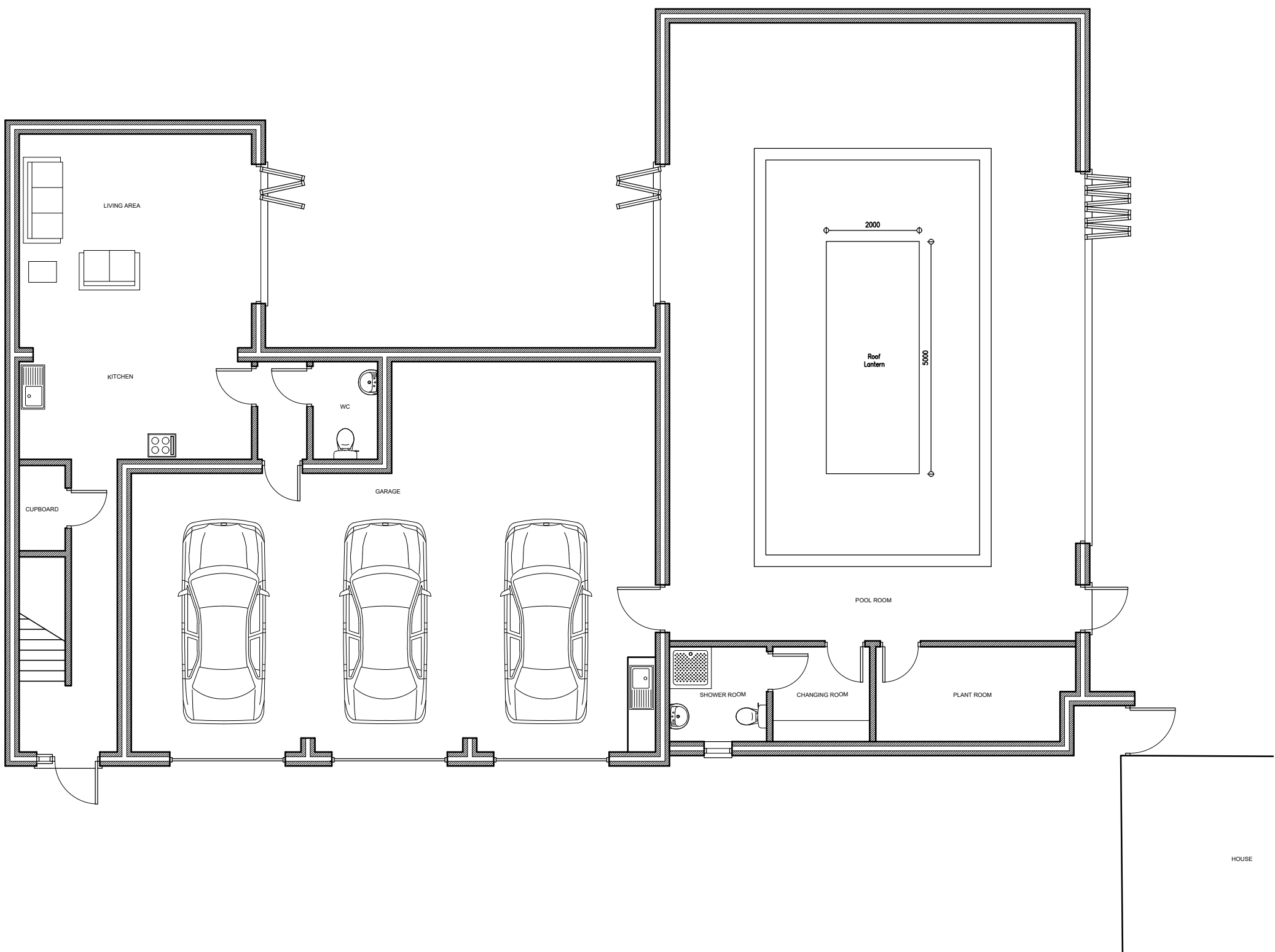
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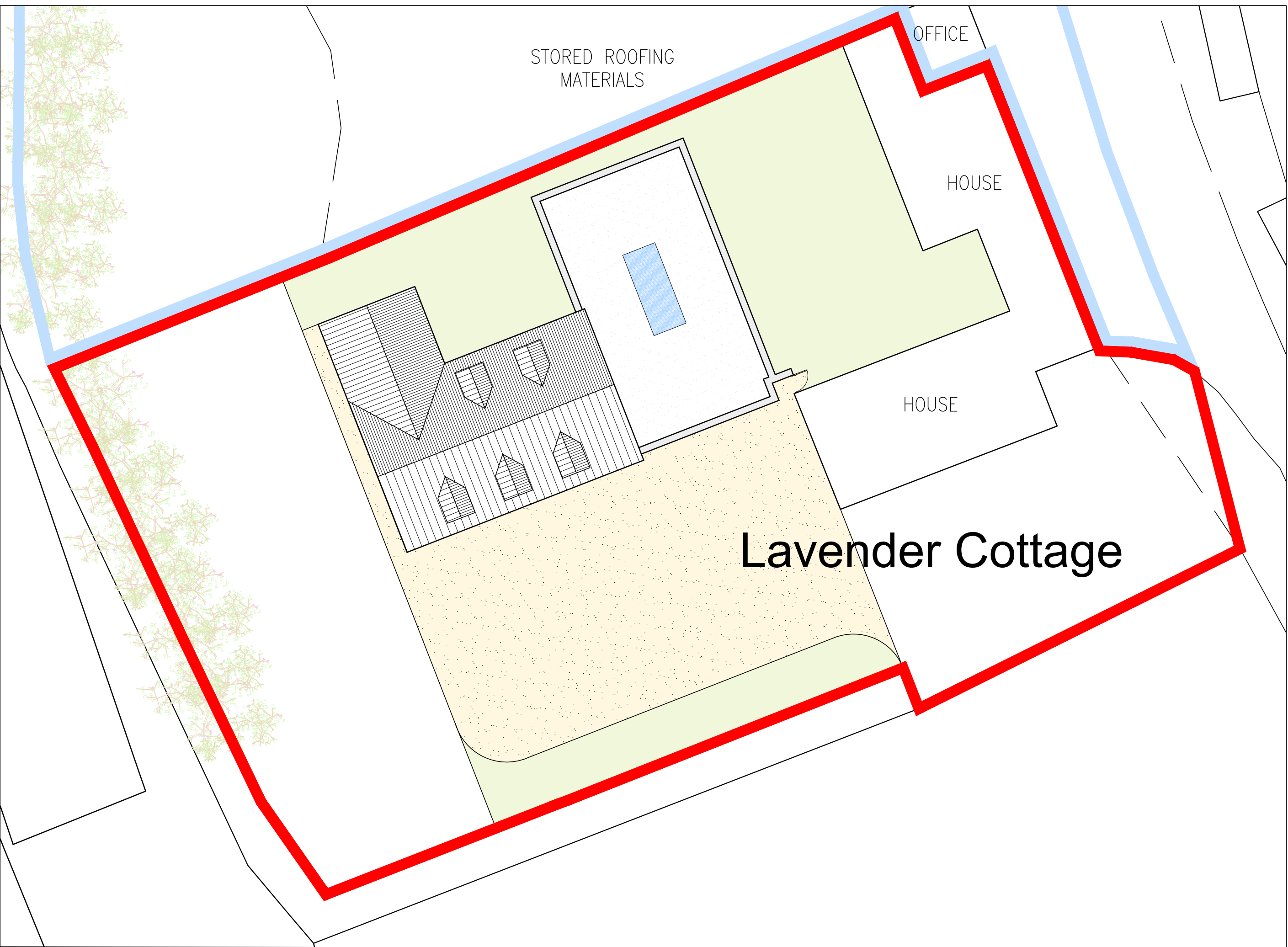
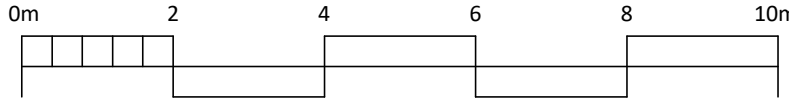
PROPOSED SIDE ELEVATION 1:100



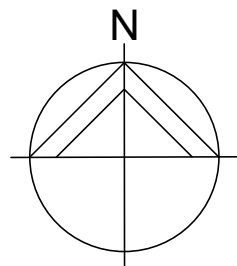
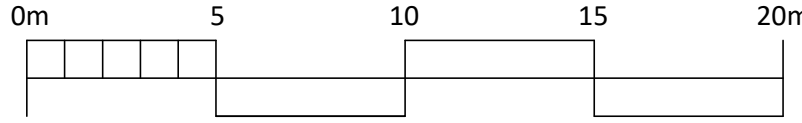
PROPOSED FIRST FLOOR PLAN 1:100



PROPOSED GROUND FLOOR PLAN 1:100



PROPOSED SITE PLAN 1:200



REVISIONS



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CLIENT

BEN TURNER

PROJECT

PROPOSED POOL HOUSE AND TRIPLE  
GARAGE ANNEX

SITE

LAVENDER COTTAGE

SEADYKE BANK

MURROW

CAMBRIDGESHIRE

PE13 4SB

DRAWING

PROPOSED DRAWING

JOB NO.  
6503/SK01

PAPER SIZE  
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DATE  
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