

ADVICE NOTE 8

Development Control Practice Note: Granny/Family Annexes

This practice note is to provide informal pre prepared planning guidance to prospective applicants to assist them to make an acceptable application, it is not adopted Council policy.

The guidance provided is not site specific and will not be wholly applicable in all situations. Each planning application is dealt with on its own individual merits, there are material planning considerations that arise for each case, therefore the guidance is not a "one size fits all".

Annexes

This guidance note is concerned with the use of buildings within residential curtilages (gardens and the like), the use of extensions to the main dwelling and the use of new buildings built within the curtilage as self-contained residential accommodation. The creation of such accommodation may result in either the creation of a new house (a new separate planning unit) or an annex incidental ("... occurring as something casual or of a secondary importance... a subordinate circumstance...") to the main dwellinghouse (a granny/family annex).

The developments described above can trigger the requirement for planning permission for a change of use of the land and/or for the physical built development. On occasion the works may not require planning permission.

In determining whether planning permission is required for the use of an existing or proposed building as an annex it is considered appropriate to consider more than just the intended use of the building. It is reasonable also to have regard to its external and internal form and design, together with the actual uses to which it might reasonably be expected to be put.

It should be noted that applications within the Green Belt may be harder to justify as incidental given the scope, in many cases, to subdivide land creating a separate planning unit and separate accommodation. Planning Policy Guidance Note 2; Green Belts and UDP policy ENV37 state that inappropriate development will not be allowed in the Green Belt except in exceptional circumstances. The creation of new residential development in the Green Belt is inappropriate development in planning policy terms.

National, Regional and Local Planning Policy that is relevant for such developments

National

- PPS1 Delivering Sustainable Development
- PPS 9 Biodiversity and Geological Conservation
- PPG13 Planning and Transport

- PPG15 Planning and the Historic Environment (for sites affecting conservation areas and/or listed buildings)
- PPS25 Flood Risk (for sites designated by the Environment Agency of being at risk from flooding)

Regional

- RSS Regional Spatial Strategy

Gateshead Unitary Development Plan

- DC1 Environment
- DC2 Residential Amenity
- DC4 Highways and Transport
- ENV2 The Built Environment - General Policy
- ENV3 The Built Environment - Character/Design
- ENV7 Development within Conservation Areas (where applicable)
- ENV8 Demolition within Conservation Areas (where applicable)
- ENV11 Listed Buildings (where applicable)
- ENV25 Areas of Special Character (where applicable)
- ENV36 Green Belt - Purpose and Extent (where applicable)
- ENV37 Control of Development within Green Belt (where applicable)
- ENV39 Landscape Protection (where applicable)
- ENV44 Wood/Tree/Hedge Protection/Enhancement (where applicable)
- ENV 47 Wildlife Habitats
- ENV57 Flood Risk (where applicable)

When considering individual applications for the creation of a family annex the Council will take the following material planning considerations into account:

- The use of the development:

Planning permission for a change of use will only be required if there is a *material* change in the use of the land/building, which will depend upon the circumstances of each particular case. Were the Council to decide, on a fact and degree basis that a new primary living accommodation has been created (a separate dwelling), and then it will be considered that a change of use has occurred.

In determining whether or not a separate dwelling has been created the following factors could be taken into consideration (this list is not exhaustive):

- Has/can the dwelling or its curtilage been/be sub-divided in any way?
- Are cooking and washing facilities separate or shared from the main dwelling?
- Are cooking and washing done jointly or separately from the main dwelling?
- Do residents eat the majority of meals together?
- Who maintains external areas?

- Who is responsible for payment of bills?
- Separate utility services?

If it is concluded that a planning permission is required for a change of use to a primary residential accommodation then any application will be assessed in accordance with Advice note 4 (Small Scale Residential Development).

- The quality of the design including the context of the surroundings.
- The impact of the proposal on the visual amenity of the area (particularly on listed buildings and/or within conservation areas) including the design, scale, massing and location.
- The relationship to neighbouring dwellings including the relationships to habitable rooms and garden areas.
- The proximity to and the impact on nearby occupiers, especially other residential properties in terms of loss of light, visual intrusion, overshadowing and overlooking.
- Access arrangements, local traffic and parking conditions and the impact of the proposal on highway safety and amenity.
- Flood risk issues (where relevant).
- Impact upon trees within the site and on adjacent land (particularly where trees have preservation orders and in Conservation Areas).
- Noise attenuation measures due to location in a noise sensitive area
- Impact on biodiversity/ecology (for example bat roosts)
- The representations of nearby occupiers and other consultees. (it is recommended to consult with neighbouring landowners prior to submitting an application).

Conditions that may be applied to any Grant of Planning Permission:

- Samples of the materials proposed to be submitted and agreed.
- Protective fencing to preserve trees during construction.
- Existing trees and landscaping to be retained.
- The use of obscure glazing for a certain window/windows.

Legal Agreements

You may be required to enter into a legal agreement under Section 106 of the Town and Country Planning Act to ensure that the annex is used solely as accommodation ancillary to the main dwelling house and cannot be disposed of separately from the main house and you may wish to discuss this with a planning officer prior to submitting an application.

Information that is required when making an application

For full requirements please refer to the Council's validation requirements within the Tyne & Wear Validation Checklist, which is available on the Planning section of the Council's website at www.gateshead.gov.uk or from the Council offices.

As a general rule the following information is required with applications for small residential developments:

- Application forms and plans (specific advice for the required scales and content of these plans are in the validation checklist)
- Fee
- Flood Risk Assessment (in areas of flood risk).
- Heritage Statement (for listed buildings/conservation areas)
- Landscaping details
- Parking Provision
- Tree Survey/Arboricultural Implications (for sites including trees)
- Planning Statement
- Ecology Assessment (where applicable)

The above list is not exhaustive and represents the usual information required with such uses and on certain sites. Individual sites and operations may require further supporting information to validate and/or assess the application.

What next?

Given the complexity and the necessity for the Council to ascertain what form of planning permission is required it is considered necessary for pre-application discussions to take place prior to the submission of a formal planning application.

However, should you wish to submit a full planning application you can apply on-line at www.gateshead.gov.uk or you can post your application to: Development Control, Regulatory Services, Development & Enterprise, Gateshead Council, Civic Centre, Regent Street, Gateshead, Tyne & Wear, NE8 1HH.

If you require further specific pre application advice in respect of your site and proposal you are advised to contact the planning team by writing to us at the above address.

Before providing site-specific advice we will require:

- A site plan clearly identifying the full extent of the site.
- A full written description of the development proposed (for example: bungalow/house, number of on site parking spaces, whether trees to be felled).
- A layout plan and elevations drawn to a recognised scale showing the full site and buildings.
- A statement explaining how the proposed family annex would be used, who would use the annex and what provision of facilities would be proposed within.

On receipt of this **minimum** level of information we will register the pre application enquiry, allocate a case officer, consult with relevant consultees and respond to you on your specific proposal. It is our aim to respond to all such enquiries as quickly as possible once all consultation responses are received.

July 2009