

Delegated Application Report

Target Date: 08/04/21

Address: 43 Long Barn Lane, Reading

Application No: 210233

Proposal: Conversion of detached garage to habitable use

Case Officer: Sian Hickey

Introduction and Proposal

The application site is a two storey semi-detached property with a detached garage located to the side and rear of house. The property is not Listed and it doesn't fall within a Conservation Area. The surrounding area is predominantly residential.

The proposal is to convert the garage into additional living accommodation ancillary to the main dwelling. The garage door is to be replaced with a window, the doors and windows in the side elevation will also be repositioned and replaced.

Plans Submitted

The applicant submitted the following plans:

Location Plan

Proposed Floor Plan

Proposed Front Elevation

Existing Front Elevation

Proposed Side Elevation

Existing Side Elevation

Relevant Planning History

None

Summary of Consultations

No consultations were undertaken as it is not required for an application of this type.

Relevant Planning Policy and Guidance

National Planning Practice Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

Permitted development rights for householders - Technical Guidance September 2019

Assessment

A Certificate of Lawfulness for a proposed development has been submitted as the applicant considers the proposal falls within the permitted development rights of the property.

The applicant has advised that the garage will be used as ancillary residential accommodation in association with a main dwellinghouse by a family member. The main use of the property will remain as a single dwellinghouse (Use class C3).

Uttlesford DC v SoS and White 1992, in which a garage attached to a dwelling had been converted to a 'granny annexe', provides leading case law on the matter. In Uttlesford the Inspector had determined that where a domestic garage within a residential curtilage was used for living accommodation in connection with the dwelling, no material change of use occurred. The court agreed, ruling that the fact that the elderly occupier of the annexe had all the living facilities that enabled her to live independently from the rest of the family did not amount to the creation of a separate planning unit that required permission. The significance of this case is that the even though the accommodation in the garage was capable of independent use, the court judgment suggested that a quality of separateness was occupation by someone who was not connected with the family occupation of the whole planning unit.

Based on the information submitted by the applicant it is considered that the proposed conversion of the existing garage is not considered to constitute a material change of use to the main dwelling, and together with the alterations to doors and windows it is not considered to constitute development as defined by Section 55 of the Town and Country Planning Act 1990.

Identifying whether a separate planning unit is created requires consideration of a range of factors and not simply the self-containment of the accommodation, and is a matter of fact and degree. Whilst the existing garage would largely provide facilities to allow independent living, it would not be functionally separate and distinct from the main dwelling, nor would it be occupied by someone who was not connected with the family occupation of the whole planning unit. Whilst the conversion of the existing garage would largely provide all the facilities for day-to-day living, it would function as an annexe, with the primary occupants also sharing living space, eating and socialising with the rest of their family in the main dwelling. The annexe is close to the main house allowing easy access between the two. As such, the garage conversion would continue to remain part of the same planning unit as the main dwelling.

Recommendation

Based upon the evidence submitted, the LPA are satisfied that the proposal related to the creation of an annexe for ancillary use. Sufficient evidence has therefore been provided to demonstrate that a Certificate of Lawfulness should be granted for the proposed garage conversion. Therefore the Local Planning Authority can issue the applicant with a Certificate of Lawfulness for the proposed development.

Informatives

Building Regulations

Construction and Demolition

