

**Application Number:** 21/00130/FUL

**Description** Conversion of a double garage into accommodation for an elderly parent/carer

**At** 5 Cheslyn Gardens, Giffard Park, Milton Keynes, MK14 5JU

**For** Mr & Mrs Bates

**Statutory Target:** 15.03.2021

**Extension of Time:** 29.04.2021

**Ward:** Newport Pagnell South

**Parish:** Great Linford

**Report Author/Case Officer:** Tamlin Barton  
Planning Officer

**Contact Details:** 07775111052  
tamlin.barton@milton-keynes.gov.uk

**Team Manager:** Chris Nash  
Development Management Manager  
chris.nash@milton-keynes.gov.uk

## **1.0 RECOMMENDATION**

1.1 It is recommended that permission is granted subject to conditions set out in this report.

## **2.0 INTRODUCTION**

### Reason for referral

2.1 The application has been referred to the Panel by Great Linford Parish Council who have objected to the development on grounds that the development does not comply with Granny Annexes Policy D6 of Plan:MK as there is insufficient integration with the host dwelling and the proposal could be occupied as a separate independent unit. As a result the development is also considered to conflict with design policies D1 and D5 of Plan:MK.

### The Site

2.2 The site contains a house with detached double garage located on Cheslyn Gardens in Giffard Park. The property is located at the end of a private driveway shared with neighbours No. 3, 4 and 6, and incorporates a rear garden bounded by the gardens of residential dwellings on Rothersthorpe and Hainalt Avenue. The garage is located

on the north side of the dwelling fronting the private drive and has a side access door facing the dwelling and blank elevations facing the garden and No.4.

- 2.3 Car parking is available at the front of the main part of the plot at the end of the driveway.
- 2.4 There are no relevant land based planning constraints.

### The Proposal

- 2.5 The applicant is seeking planning permission to convert the garage into a habitable space with bed space, en-suite and living area for use by an elderly parent or carer. The proposal involves replacing the garage doors with windows, installing rear skylights and a new window next to the existing side door facing the applicant's house. There is to be no enlargement of the garage footprint.

### Scope of debate/decision

- 2.6 This application proposal is a full planning application and so all matters are to be considered.

## **3.0 RELEVANT POLICIES**

### **National Policy**

- 3.1 National Planning Policy Framework (February 2019) (NPPF)

Section 2: Achieving Sustainable Development  
Section 4: Decision Making  
Section 12: Achieving Well-Designed Places

In addition, the Planning Practice Guidance is also a material consideration

### **The Development Plan**

- 3.2 Great Linford Neighbourhood Plan (North) (made 2016)

There are no policies relevant to the development.

- 3.3 Plan:MK (March 2019)

Policy D1 - Designing a High Quality Place  
Policy D2 - Creating a Positive Character  
Policy D5 - Amenity and Street Scene  
Policy D6 - Granny Annexes  
Policy CT10 - Parking Provision

- 3.4 Supplementary Planning Documents/Guidance

Parking Standards SPD (January 2016)

### 3.5 Human Rights Act 1998

There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

### 3.6 Equality Act 2010

Due regard, where relevant, has been had to the Milton Keynes Council's equality duty as contained within the Equality Act 2010.

## 4.0 **RELEVANT PLANNING HISTORY**

16/01845/FUL

Demolition of conservatory and the erection of a part two storey extension on same footprint

Withdrawn 08.09.2016

16/03043/FUL

Demolition of conservatory and the erection of a part two storey, part single storey rear extension on the footprint of the conservatory (resubmission 16/01845/FUL)

Permitted 19.12.2016 [not constructed]

17/01666/FUL

Demolition of conservatory and the erection of a part two storey extension on the footprint of the conservatory

Withdrawn 08.08.2017

17/02112/FUL

Single storey rear extension (resubmission of: 17/01666/FUL)

Permitted 15.09.2017

## 5.0 **CONSULTATIONS AND REPRESENTATIONS**

### 5.1 Great Linford Parish Council

The Parish Council objects on grounds that the development does not comply with Granny Annexes Policy D6 of Plan:MK as there is insufficient integration with the host dwelling and the proposal could be occupied as a separate independent unit. As a result of the potential independent use, the development is also considered to conflict with design policies D1 and D5 of Plan:MK.

### 5.2 Cllr Paul Alexander – Newport Pagnell South (member of Development Control Committee)

No comments received

### 5.3 Cllr Douglas McCall – Newport Pagnell South

No comments received

### 5.4 Cllr Jane Carr – Newport Pagnell South

No comments received

### 5.5 Representations from interested parties

Two comments have been received regarding the following material considerations:

- Parking;
- Future independent use of the garage conversion; and
- A condition restricting use.

The following comments raised are not material planning considerations:

- Connections/access to existing shared drainage which can be dealt with through civil law;
- Council tax considerations;
- Boundary disagreements; and
- Building control authorisation.

## 6.0 **MAIN ISSUES**

The use as Annexe;  
Design, Character and Appearance;  
Impact on Residential Amenity; and  
Parking  
Drainage

## 7.0 **CONSIDERATIONS**

### The use as Annexe

- 7.1 The conversion of the double garage would create separate accommodation to the house which would function as an annexe.
- 7.2 Following Policy D6 of Plan:MK, proposals for 'granny annexes' will be permitted where the extension to an existing dwelling is modest in size and subordinate in scale to the main dwelling. In this case, there is no addition to the existing dwelling and no enlargement to the existing structure. While the development could be considered an 'extension' to the residential unit, it would still be modest and subordinate to the main dwelling.
- 7.3 Policy D6 goes on to state that annexes should be designed in such a way that they can function as an integrated part of the main dwelling whilst allowing for a degree

of independence for the occupant(s). Vehicular access and garden areas should also be shared with no boundary demarcation.

- 7.4 The essential feature of ancillary use is that there remains a functional relationship between the ancillary use and the primary use of the dwelling. The annexe would contain a small living area with bed and en-suite. While use of this structure would allow for some independence from the host dwelling, the amenities proposed inside the garage are minor in nature and there is also no kitchen. In addition, there is no alteration of garden areas, no boundary demarcation and vehicular access/parking is unchanged and would be shared. Essentially the development is not of a sufficient scale to enable occupants to live a normal day-to-day residential existence independently of the main dwelling.
- 7.5 Given these characteristics, and that there is no new structure being built, the conversion maintains a functional link with the main dwelling. Therefore, the proposal is not considered to be contrary to the requirements of Policy D6.
- 7.6 Nevertheless, the internal layout could be altered without planning permission so that the structure contained a better balance of facilities and it would be easy to access the structure from the driveway through the side gate without going through the main house. It would also be possible to subdivide the garden space. Independent use of the structure as a dwelling in this manner would, through a lack of amenity space and off-street parking provision, be harmful to the residential amenity of any occupants and could create a nuisance to local residents.
- 7.7 It is therefore recommended that, to make the long term effects of the development acceptable with regards to Policy D6, a condition is included to ensure the structure remains in ancillary use. The enforcement officer was informally consulted on this application and considered that such a condition would be enforceable. It is also recommended that a condition is added to remove permitted development rights relating to new boundary treatments other than to the existing extremities of the property, so to ensure no subdivision of garden space.
- 7.8 In summary, officers consider that the development would be compliant with Policy D6 of Plan:MK subject to the abovementioned conditions.

#### Design, Character and Appearance

- 7.9 Plan:MK Policies D1 and D2 require that development proposals as a whole respond appropriately to the site and surrounding context and that the appearance of buildings exhibit a positive character.
- 7.10 The alterations to the front elevation would involve replacement of the two brown garage doors with 'slate grey' cedar cladding. This material is considered to have an acceptable impact on the character of the surrounding area as the existing roof slates are grey, and similar shades of grey can be found within the local area. The colour would also work well with the dark brown shade observed on the majority of roofs on the estate. The use of horizontal cladding, rather than brick, is not considered harmful to the character of the local area as the existing garage doors are already a different material from the main garage structure. The front and side windows are also small

and these are a proportionate and acceptable response to the existing dwelling. The rear velux windows are small and inconspicuous and do not detract from the surroundings.

- 7.11 As a result of these characteristics, officers consider that the development accords with design policies D1 and D2 of Plan:MK.

#### Impact on Residential Amenity

- 7.12 Plan:MK Policy D5 governs the impact of developments on residential amenity.
- 7.13 The rear skylights are above head height and raise no overlooking concerns for surrounding neighbours. While the front windows would face No.6, they would look across the driveway and not impact a sensitive and private space of this neighbour. The side door and window face the main dwelling of No.5 and would raise no concerns.
- 7.14 The potential harmful impact of using the structure as an independent dwelling on occupants has been discussed above. This is not the proposal being considered and constitutes a material change in use in its own right, requiring planning permission. Residual concerns can be successfully addressed through imposing the condition to ensure the structure remains in a use ancillary to the host dwelling and permitted development rights are removed for new walls and fencing between the host dwelling and the annexe.
- 7.15 In summary, subject to the abovementioned conditions, officers consider the development would not conflict with amenity policy D5 of Plan:MK.

#### Parking

- 7.16 The development would not alter the existing 2 parking spaces in front of the garage which currently serve the dwelling, whilst garages are not counted as allocated parking spaces in the Parking Standards SPD. As a result, the development would not lead to any loss of on-site parking spaces.
- 7.17 The SPD requires two car parking spaces in this zone (3) for dwellings with 2 or more bedrooms. The dwelling already exceeds this number of bedrooms and as a result, use of the garage as an ancillary bedroom to the dwelling makes no difference to this situation. This assessment demonstrates that the development would be compliant with the Parking SPD and also Policy CT10 of Plan:MK, subject to the abovementioned condition restricting its use.

#### Drainage

- 7.18 While the development will create an additional WC, given the ancillary use proposed and very small size of the annexe, there is no good reason to suppose this will result in a significant increase in effluent which would have any harmful effects on the environment. In addition, the ancillary use would also be offsetting of flushes of toilets in the host dwelling. The connections/access for sewerage to existing shared services can be dealt with through civil law and is not a planning matter.

## 8.0 CONCLUSIONS

- 8.1 The proposal is found to be in accordance with the development plan and therefore it is recommended that planning permission should be approved, subject to conditions.

## 9.0 CONDITIONS

1. The approved development shall be carried out in accordance with the following drawings/details:

*Plans received 18/01/2021:*

Site Plans – Drawing No. 100.01 – A  
Context elevations – Drawing No. 100.05 – A

*Plans received 21/01/2021:*

Proposed plan – Drawing No. 100.03 – B

*Plans received 01/02/2021:*

Proposed elevations – Drawing No. 100.04 – D

Reason: For the avoidance of doubt and in the interests of securing sustainable development.

2. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 91 of the Town and Country Planning Act 1990.

3. The development hereby approved shall be carried out in accordance with the materials specified on the approved plans.

Reason: To ensure that the new work complements the existing building and to ensure the development does not detract from the character and appearance of the area in accordance with Policies D1, D2, D3, D5 and SD1 of Plan:MK.

4. The annexe hereby approved shall be used only for purposes that are ancillary to the dwelling known as 5 Cheslyn Gardens, and it shall not be used as an independently occupied dwelling and no separate garden or private amenity space curtilage shall be created.

Reason: To ensure the development is not used as an independent dwelling which would be harmful to the residential amenity of occupants and to the detriment of

highway safety and convenience of local residents, contrary to Policies CT10 and D5 of Plan:MK (2019).

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), except for modification of existing boundaries at the edges of the property, no development covered by Class A Part 2 of Schedule 2 to that Order shall be carried out without the specific grant of planning permission from the Local Planning Authority.

Reason: To prevent the establishment of an independent dwelling unit within existing property boundary to the detriment of the character of the host dwelling and locality and in the interests of residential amenity in accordance with Policies D1, D2, D3, D5 and D6 of Plan:MK (2019).





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CLIENT  
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Milton Keynes  
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PROJECT  
Garage conversion

File name  
5-CG-Garage-03.layout

ISSUE  
30/08/20

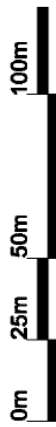
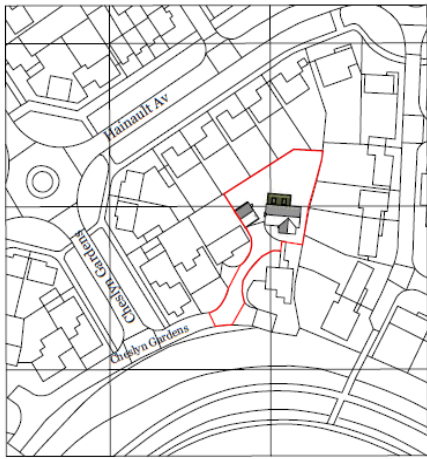
Revision

DESCRIPTION  
Site plans

Scale  
see drawing



Site plan  
scale 1=500



Site location plan  
Scale 1=1250

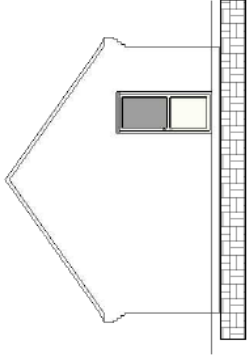
5-CG-G  
100.01 -A



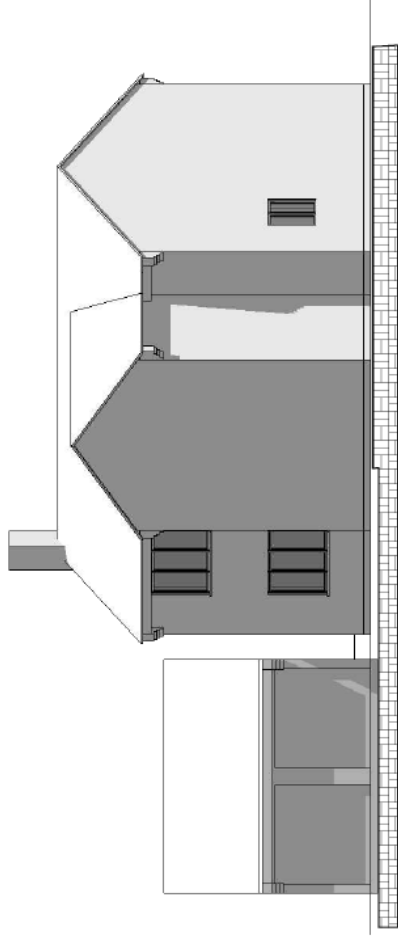
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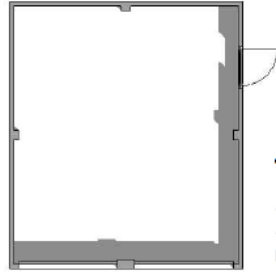
Existing East elevation  
 Scale 1=100



Existing South elevation  
 Scale 1=100



Existing West elevation  
 Scale 1=100



Existing plan  
 Scale 1=100



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PROJECT  
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File name  
 5-CG-Garage-03\_layout  
 ISSUE  
 30/08/20  
 Revision

DESCRIPTION  
 Existing plans and elevations

Scale  
 see drawing

5-CG-G  
 100.02 -A



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PRODUCT  
Garage conversion

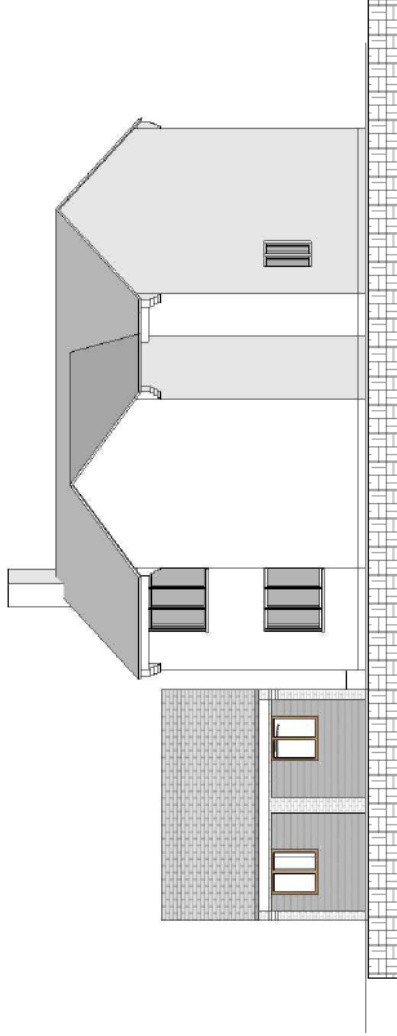
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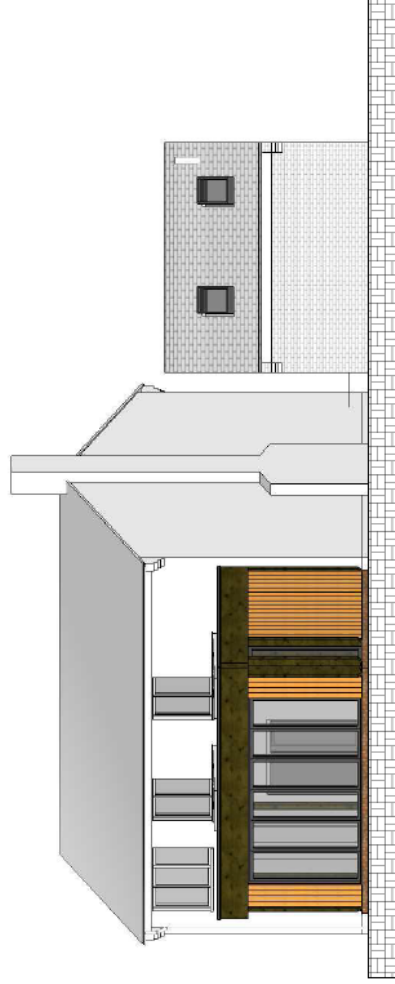
DESCRIPTION  
Context elevations

Scale  
see drawing

5-CG-G  
100.05 -A



Proposed West elevation  
Scale 1=100



Proposed East elevation  
Scale 1=100



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C-North elevation added  
 29-01-21

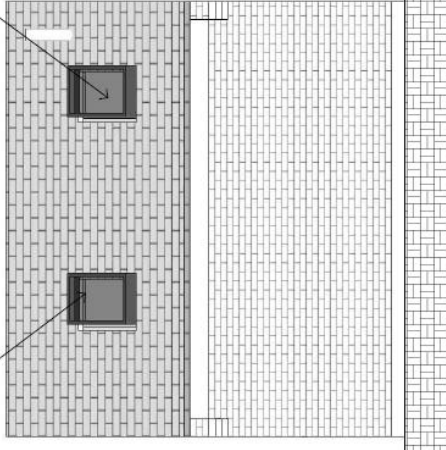
D-Cedral colour added  
 30-01-21

DESCRIPTION  
 Proposed elevations

Scale  
 see drawing

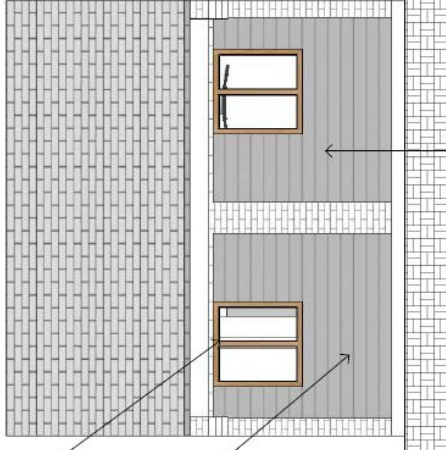
5-CG-G  
 100.04 -D

Velux CK06



Proposed East elevation  
 Scale 1=50

Velux CK06



Proposed West elevation  
 Scale 1=50

New UPVC windows  
 with trickle vents  
 and opening lights

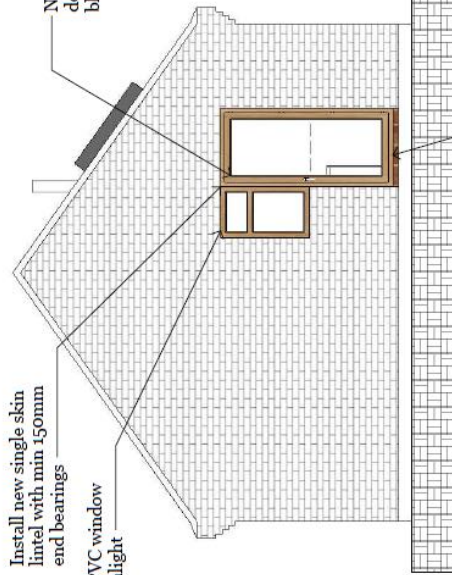
Marley Cedral cladding  
 Slate Grey  
 onto timber frame wall

Marley Cedral cladding  
 Slate Grey  
 onto timber frame wall

Install new single skin  
 lintel with min 150mm  
 end bearings

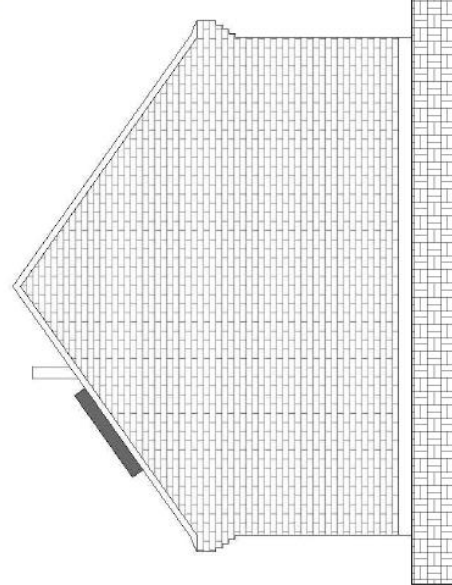
New UPVC window  
 with fanlight

New fully glazed  
 door with integral  
 blind



Proposed South elevation  
 Scale 1=50

Provide additional course of  
 bricks where the internal  
 floor level is increased



Proposed North elevation  
 Scale 1=50



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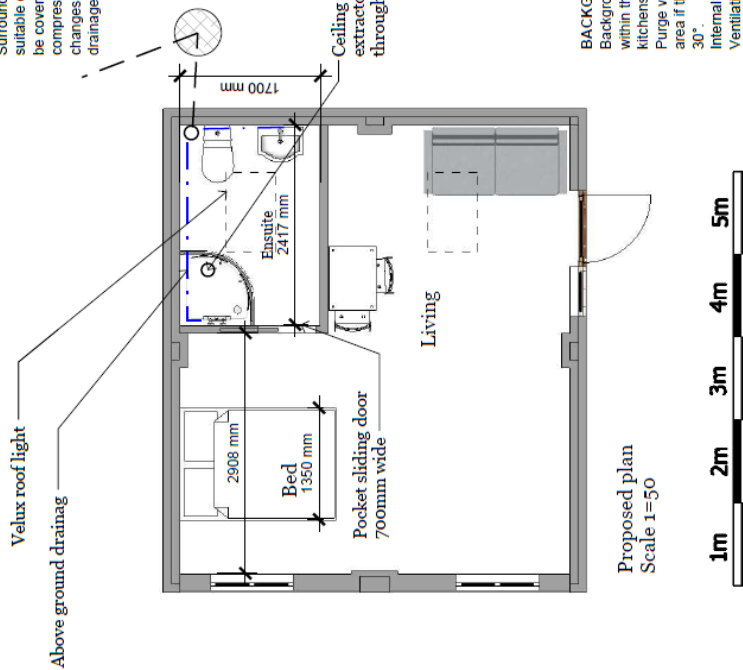
Underground drainage to consist of 100mm diameter UPVC proprietary pipe work to give a 1:40 fall. Surround pipes in 100mm pea shingle. Provide 600mm suitable cover (900mm under drives). Shallow pipes to be covered with 100mm reinforced concrete slab over compressible material. Provide rodding access at all changes of direction and junctions. All below ground drainage to comply with BS EN 1401-1: 2009.

Underground quality proprietary UPVC 450mm diameter inspection chambers to be provided at all changes of level, direction, connections and every 45m in straight runs. Inspection chambers to have bolt down double sealed covers in buildings and be adequate for vehicle loads in driveways.

Above ground drainage to comply with BS EN 12056-2:2000 for sanitary pipework. All drainage in accordance with part H of the Building Regulations. Wastes to have 75mm deep anti vac bottle traps and rodding eyes at changes of direction. Size of wastes pipes and max length of branch connections (if max length is exceeded then anti vacuum traps to be used)  
Sinks - 3m for 40mm pipe 4m for 50mm pipe  
Washing machine and dishwasher - stand pipe 50mm  
Wash basin - 1.7m for 32mm pipe 3m for 40mm pipe  
Bath/shower - 3m for 40mm pipe 4m for 50mm pipe  
W/C - 6m for 100m for single wc  
All branch pipes to connect to 110mm soil and vent pipe. Waste pipes not to connect within 200mm of the wc connection.  
Supply hot and cold water to all fittings as appropriate.

**BACKGROUND AND PURGE VENTILATION**  
Background ventilation - Controllable background ventilation via trickle vents to BS EN 13141-3 within the window frame to be provided to new habitable rooms at a rate of min 5000mm<sup>2</sup>, and to kitchens, bathrooms, WCs and utility rooms at a rate of 2500mm<sup>2</sup>.  
Purge ventilation - New windows/rooflights to have openable area in excess of 1/20th of the floor area if the window opens more than 30°, or 1/10th of the floor area if the window opens less than 30°.  
Internal doors should be provided with a 10mm gap below the door to aid air circulation.  
Ventilation provision in accordance with the Domestic Ventilation Compliance Guide.

**EXTRACT TO BATHROOM**  
Bathroom to have mechanical vent ducted to external air to provide min 15 litres / sec extraction. Vent to be connected to light switch and to have 15 minute over run if no window in room.  
Internal doors should be provided with a 10mm gap below the door to aid air circulation.  
Ventilation provision in accordance with the Domestic Ventilation Compliance Guide. Intermittent extract fans to BS EN 13141-4. All fixed mechanical ventilation systems, where they can be tested and adjusted, shall be commissioned and a commissioning notice given to the Building Control Body.



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**ISSUE**  
30/08/20

**Revision**

**B- Kitchen omitted**  
21-01-21

**DESCRIPTION**  
Proposed plan

**Scale**  
see drawing

**5-CG-G**  
**100.03 -B**

**A1.0 FULL CONSULTATIONS AND REPRESENTATIONS**

#### A1.1 Great Linford Parish Council

'Following Great Linford Parish Council Virtual council meeting on 8th February 2021, we have the following comments to make you aware of:

21/00130/FUL 5 Cheslyn Gardens, Giffard Park, Milton Keynes, MK14 5JU  
Conversion of a double garage into accommodation for an elderly parent (re-submission of 20/03077/FUL)  
OBJECTION proposed by Cllr J Whelan and supported by Cllr M Whelan, Cllr Widdowson

Comments from Cllr J Whelan

21/00130/FUL 5 Cheslyn Gardens Giffard Park – Conversion of Double garage resubmission.

GLPC should object as it is against the following MKPlan 2019 policies:

D1 Design

D5 – Amenity Street scene

D6 – Granny annexes

Policy D6 GRANNY ANNEXES Proposals for 'granny annexes' will be permitted where the extension to an existing dwelling is modest in size and subordinate in scale to the main dwelling. The annex should be designed in such a way that it can function as an integrated part of the main dwelling whilst allowing for a degree of independence for the occupant(s). Vehicular access and garden areas should be shared with no boundary demarcation or sub-division of garden areas.

The garage is detached and not appropriate to create "an integrated part of main dwelling". Any such annex should be used for purposes ancillary to the main dwelling, not occupied as a separate independent unit.

If minded to approve, GLPC would want it called into DCC to discuss contravention of 4 policies from plan MK.'

#### A1.2 Cllr Paul Alexander – Newport Pagnell South

No comments received

#### A1.3 Cllr Douglas McCall – Newport Pagnell South

No comments received

#### A1.4 Cllr Jane Carr – Newport Pagnell South

No comments received

#### A1.5 Third Party/Neighbour Comments

Comments were received from No.4 regarding the following material considerations:

+ Parking

+ Independent use of the garage conversion

These issues have been discussed in the report.

The following comments also raised by this neighbour are not material planning considerations and cannot be used in the assessment of this application:

- + Connections/access to existing shared drainage which can be dealt with through civil law;
- + Council tax considerations
- + Boundary disagreements
- + Building control authorization.

A comment was also raised by a third-party representation indicating the potential use of the garage as an independent unit of accommodation which would be contrary to Policies D1 and D5 of Plan:MK without a condition restricting this use. The use of a condition has been discussed in the report.