
Appeal Decision

Site visit made on 4 August 2016

by R J Marshall LLB DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 August 2016

Appeal Ref: APP/D0840/W/16/3145754
Monterey, Madron, Cornwall, TR20 8SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs B L Beckerleg against the decision of Cornwall Council.
 - The application Ref PA15/05392, dated 8 June 2015, was refused by notice dated 9 November 2015.
 - The development proposed is erection of annexe.
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Decision

1. The appeal is allowed and planning permission is granted for erection of annexe at Monterey, Madron, Cornwall, TR20 8SS in accordance with the terms of the application, Ref PA15/05392, dated 8 June 2015, and the plans submitted with it, subject to the conditions on the attached list.

Background/procedural matters

2. An application for costs was made by Mr and Mrs B L Beckerleg against Cornwall Council. This application will be the subject of a separate decision.
3. The appellants' preference is for the application to be determined on the basis of the plans on which the Council made its decision. However, they have submitted a revised plan deleting a proposed integral workshop/garden store, in light of observations made by the Council, that they also wish me to consider. However, it is not appropriate to use the appeal stage to seek to amend schemes in this way especially as those with an interest in the scheme would be denied the opportunity of commenting on the change. I shall, therefore, determine the appeal on the basis of the plans considered by the Council.

Main Issues

4. The main issues in this appeal are **first**, whether the proposed development may justifiably be regarded as ancillary accommodation to the existing house and its occupation be restricted to that purpose; **second**, the effect of the proposed development on the character and appearance of the surrounding area; and **third**, whether satisfactory living conditions would be retained for the occupants of the existing house and provided for the occupants of the annexe.

Reasons

Whether or not ancillary accommodation

5. The proposed development, a single storey structure, is described as an annexe. The Council contends, however, that it is tantamount to a new dwelling because it would be separated from the main house. It considers that annexes, as ancillary accommodation, should normally be attached to the existing property and be internally accessible from it. A separate unit would be accepted as an annexe only if it is not practical to extend the existing house and a modest scale of accommodation is provided.
6. The proposed development is fairly large, but not overly so for an annexe. The proposed accommodation is limited as one would expect of an annexe. There would be a bedroom, a bathroom and a combined lounge and kitchen/dining area. The latter is quite spacious but that is justified, in my view, by a potential future need for it to be wheelchair friendly. Attached to the annexe would be a workshop/garden store said to be for use by the annexe and the main residence. I see no harm in this part of the scheme provided it did not become habitable accommodation for the annexe. This could be governed by condition.
7. Adding further weight to my view that the proposal may justifiably be regarded as an annexe is its location relative to the main house. It would be located fairly close to the main house and in a way that would mean there would be a degree of mutual overlooking greater than would generally be acceptable by occupants other than when ancillary accommodation is provided. All this points strongly to the proposed development justifiably being regarded as an annexe. And to prevent the harm to living conditions that would arise if the annexe was sold off separately it would be possible to impose a condition requiring the annexe to remain ancillary accommodation. The Council contends that guidance in Circular 11/95 advises against such conditions in circumstances such as this. However, that guidance has been withdrawn and in any event, for reasons given by the appellant, that is not a proper reading of it. Moreover, although permissions based on personal circumstances will rarely be justified where a permanent building is proposed annexes of the kind proposed are often accepted along with conditions to ensure that they remain ancillary accommodation.
8. It is concluded that the proposed development may justifiably be regarded as ancillary accommodation to the existing house and its occupation be restricted to that purpose.

Character and appearance

9. The appeal site is towards the edge of the small village of Madron. The appellants' main house is of recent construction and it seems that it was permitted because the Council regards the site as being within the village. The central core of the village lies slightly removed from the appeal site. Much of this area comprises tightly knit old stone cottages fronting narrow lanes. By contrast the appeal site is in an area of notably low density houses surrounded by trees and other vegetation.
10. The existing house, Monterey, is in large well landscaped grounds. The proposed annexe would still leave much of the site undeveloped and would

enable most of the trees and bushes on the site to be retained. As such it would not detract from the character and appearance of the area. That this would be so would be reinforced by the fact that trees, shrubs and hedges in the area would screen the proposed development from most public vantage points.

11. The central core of Madron is a designated Conservation Area (CA) and the nearby Tregoddick House is a grade 2 Listed Building (LB). However, the Council raises no issue on this. Correctly so, in my view, as the proposed development would be so well screened from the CA and the LB as to ensure there would be no conflict with the statutory duty of preserving or enhancing the character or appearance of CAs and the need to preserve the setting of LBs.
12. It is concluded that the proposed development would cause no harm to the character and appearance of the surrounding area. As such it would not conflict with Policies GD-1, GD-2, TV-1 and H-2 of the Penwith Local Plan in so far that they seek to ensure that new development accords with its surroundings, respects the traditional character of the locality and does not harm the character and amenity of the area.

Living conditions

13. Part of the proposed annexe and adjacent amenity area would be shaded to some degree by a 2 storey element of the existing house. However, from what I saw that would not be to a degree that would be unacceptably detrimental to living conditions. There would, as already outlined, be some degree of mutual overlooking between the 2 properties. However, given the ancillary nature of the annexe this would not give rise to unacceptable living conditions.
14. It is concluded that satisfactory living conditions would be retained for the occupants of the existing house and provided for the occupants of the annexe. There would be no conflict with the requirement in the National Planning Policy Framework on ensuring a good standard of amenity for existing and future occupiers.

Conditions

15. As I am minded to allow the appeal I have considered what conditions should be imposed in addition to the standard condition on the commencement of development. To protect the character and appearance of the area I shall require the submission and approval of the external materials of the proposed building and the submission of a landscaping plan, which I consider may be limited to tree and shrub protection. For reasons given I shall require the proposed development to remain ancillary accommodation and to ensure that the workshop/garden store does not become habitable accommodation for the annexe. In the interests of proper planning I shall require the development to be carried out in accordance with the approved plans.

Conclusion

16. For the reasons given above the appeal is allowed.

R J Marshall

INSPECTOR

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place details have been submitted of trees and shrubs to be retained, and the measures for their protection, in the area delineated in the 1.200 Block Plan of approved plan MT 004 Rev A. Development shall be undertaken in accordance with the details to be approved.
- 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Monterey.
- 5) The workshop/garden store in the approved plans shall not be used as habitable accommodation for the annexe hereby permitted.
- 6) The development hereby permitted shall be carried out in accordance with the following approved plans: MT 001, MT 002 Rev. A, MT 003 Rev. A, MT 004 Rev. A.