

Appeal Decision

Site visit made on 20 September 2016

by David Spencer BA(Hons) DipTP MRTPI

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

Decision date: 27 September 2016

Appeal Ref: APP/L2630/W/16/3149130

Meadowley, 10 Bunwell Street, Bunwell, Norwich, Norfolk NR16 1NA

- 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 & Mrs R Hudson against the decision of South Norfolk District Council.
 - The application Ref 2015/2616, dated 10 November 2015, was refused by notice dated 29 January 2016.
 - The development proposed is conversion of outbuilding to form annex to dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the position and scale of the proposed annexe would be equivalent to the creation of an independent dwelling, having regard to the provisions of the development plan.

Reasons

3. The appeal proposal would convert the two storey part of an existing outbuilding positioned to the west of the Grade II listed dwelling at 'Meadowley' at the edge of the village of Bunwell beyond the settlement boundary. The outbuilding has been extended and adapted to a high standard to form the appearance of a traditional timber clad building with tile roof. The proposed annexe accommodation would utilise a triple garage and stairwell area at ground floor level and office/storage space at the first floor level.
4. Both 'Meadowley' and the outbuilding are set back from Bunwell Street behind existing frontage residential development. They are set within a large plot of land such that there is extensive garden and amenity land around both the dwelling and the outbuilding. Access is achieved from a gravel driveway which passes through garden land to the front of these buildings before opening out to a large gravelled parking area. This parking area together with a parcel of garden land adjacent to 'Meadowley' separates the dwelling from the outbuilding. I observed that 'Meadowley' has been extended with a single storey range to the west, closest to the outbuilding, however, there is still a notable degree of separation between the two buildings such that the outbuilding sits clearly detached within the grounds.
5. The South Norfolk Local Plan Development Management Policies Document 2015 (the DMPD) forms part of the development plan for the area. Planning law requires that applications for planning permission must be determined in

accordance with the development plan unless material considerations indicate otherwise. Policy DM3.7 of the DMPD is supportive of residential annexes provided that they are designed to be used as part of the main dwelling (i.e. integral) without creating an independent dwelling unit in the future. The reasoned justification for the policy explains at paragraph 3.47 the LPA's support for flexible accommodation provided annexes can be absorbed back into the main dwelling as and when their function ceases. Additionally, paragraph 3.50 sets out a precautionary approach to annexes in the countryside where planning policy generally seeks to restrict new dwellings.

6. The proposed annexe would not be physically linked to the main dwelling. To connect between the proposed annexe and the main dwelling would involve externally crossing the wide parking area and large patio area to the rear door or a similarly lengthy route across the front garden to the front door. Whilst there are a number of windows on the later single storey extension of 'Meadowley' facing towards the outbuilding, overall, the degree of separation and the arrangement of openings means there would not be a close, interactive relationship between the two buildings. The lack of a close spatial relationship means that with regards to position the annexe would not be integral to the main dwelling.
7. The appellant submits that the combined floorspace of the proposed annexe over the two floor levels totals 125sq metres, with the LPA calculating a marginally higher floorspace. Either way, the proposed annexe would provide a good standard of self-contained accommodation including kitchen, bathroom and utility facilities as well as living space and two bedrooms. Externally, there is a sizeable area of amenity space to the west, away from 'Meadowley', and from the submitted plans the living space in the annexe would have French doors opening onto this area. There is very little evidence before me that there would be any shared facilities within the main dwelling that occupiers of the annexe would be reliant upon for their day-to-day living requirements. I accept that DMDP Policy DM3.7 sets no size threshold for an annexe but in this case the proposed scale and format of accommodation in the annexe would be equivalent to that of a stand-alone dwelling which would bring it into conflict with this development plan policy.
8. I share the appellant's point that the conversion of the outbuilding could be done with minimal change to the external appearance and to a standard compliant with Building Regulations on accessibility. I also accept that the annexe conversion would not harm the setting of the Listed building. However, I attach little weight to the ability to re-use part of an existing building given its position and scale would be akin to a separate dwelling.
9. The appellant submits that there is a need for the annexe given that Mrs Hudson's elderly father now lives at 'Meadowley' and who the appellants submit has vascular dementia. I observed on my site visit that Mrs Hudson's father has a ground floor room and it is evident that the family provide care for their relative. It has been submitted to me that the appellant's eldest daughter and her family would occupy the annexe to assist in providing direct care and to provide respite for the appellants. The annexe would also provide a private accommodation for the needs of the daughter and her family.
10. However, I have little independent medical or social services evidence before me relating to the condition of Mrs Hudson's father, the level of care he

requires and how this care should be provided. Accordingly, I have little evidence to suggest that his care needs are not currently satisfactorily provided for by the existing arrangement. Nor do I have the necessary evidence to discount that additional supplementary or respite care could not be provided by extending the main dwelling to provide integral annexe accommodation that would accord with DMDP Policy DM3.7.

11. The appellants have emphasised their intention to keep the annexe within their family and have confirmed that they would be willing to enter into an occupancy condition to this effect. However, because there would be no physical link to or dependency on the main dwelling for any facilities, the annexe, notwithstanding the family connection, would be occupied in a way no different to an independent dwelling unit. Accordingly, I am not persuaded that an occupancy condition, in terms of applying the tests at paragraph 206 of the National Planning Policy Framework, would make the development acceptable.
12. The appellant also submits that the annexe proposal would help fund the upkeep and maintenance of the Listed property. However, I have little evidence that the preservation of the Listed property would be dependent on the appeal proposal being implemented.
13. I therefore conclude that the segregated position of the outbuilding from the main dwelling and the scale of the proposed accommodation within the annexe would be equivalent to the creation of an independent dwelling unit. Accordingly, the proposal would be contrary to DMDP Policy DM3.7 for the reasons given above. I have carefully considered the submissions on the need for the annexe accommodation and the benefit of re-using an existing building but I have found these material considerations do not indicate otherwise that the appeal proposal should be permitted.

Other Matters

14. The appellants submit that they were advised by a Council building inspector that the outbuilding was of a construction standard suitable for an annexe. It is also before me that the case planning officer was minded to recommend approval. I have little evidence to verify this but in any event informal views at an earlier stage of the planning process are not binding on the final decision of the LPA. I recognise the appellants are frustrated by this sequence of events but from my own assessment of the evidence I have found that the LPA has presented a cogent reason for refusal.
15. The appellant is particularly concerned about the Parish Council's objection to the appeal proposal. I have little evidence that this objection was the "single deciding factor" for the LPA's decision to refuse permission or that the LPA has done anything other than arrive at a decision in accordance with its own development plan, as required by law. How the Parish Council arrived at its objection is not a matter that this appeal decision can address. For the avoidance of doubt, whilst I have had regard to the Parish Council's objection, it has not been determinative in my decision which is based on the totality of the evidence before me.
16. The appellant also refers to other outbuildings in the village being converted to domestic dwellings or annexes. I have very few details about these schemes and how they relate to the appeal site. In any event I have determined this

appeal based on its particular circumstances and the current development plan for the area. Reference has also been made to the potential of the proposal to generate Community Infrastructure Levy (CIL) monies. However, were the proposal to be liable for a CIL payment that would not outweigh the conflict with development plan policy.

Conclusion

17. For the reasons above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Spencer

Inspector.