

Appeal Decision

Site visit made on 27 September 2016

by Daniel Hartley MTP MBA MRTPI

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

Decision date: 30 September 2016

Appeal Ref: APP/E5330/D/16/3156662

28 Camelot Close, Thamesmead, Greenwich SE28 0ES

- 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 Gabriele Attipoe against the decision of Royal Borough of Greenwich Council.
 - The application Ref16/0721/F, dated 18 May 2015, was refused by notice dated 12 April 2016.
 - The development proposed is for the conversion of an existing garage to a habitable room.
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion of an existing garage to a habitable room at 28 Camelot Close, Thamesmead, Greenwich SE28 0ES in accordance with the terms of application Ref 16/0721/F, dated 12 April 2016, subject to the attached schedule of conditions.

Procedural Matters

2. I have taken the description of development from the Council's refusal notice as this more accurately describes the proposal. The garage has already been converted. There is a window and door in the side elevation facing the rear garden of No 28 Camelot Close.

Main Issues

3. The main issues are (i) whether or not there is adequate internal floorspace for the occupiers of the habitable room; (ii) the effect of the proposal upon the living conditions of the occupiers of No 28 Camelot Road in respect of access and privacy and (iii) the effect of the proposal upon the character and appearance of the area.

Reasons

Site and proposal

4. The appeal site relates to a garage which is positioned to the side of a semi-detached dwelling: the garage belongs to No 28 Camelot Close. The front garage door is still in situ and there is a solid bathroom wall immediately behind it. Consequently, it is necessary to gain access into the appeal building from the rear garden area of No 28 Camelot Close. The area comprises of relatively modern brick built dwellings, of various designs.
-

5. The proposal relates to the conversion of the garage to a one bedroom "granny annex" which includes an open kitchen and bedroom and a bathroom. It measures about 2.7 metres x 5.5 metres. The proposed plans also include the formation of a door and a window to the side elevation of the garage (facing the rear garden area of No 28 Camelot Close). There are no alterations to the front or rear elevations of the garage, or to its roof.

Floorspace

6. I acknowledge that the internal floorspace is relatively limited in respect of the conversion of the garage to form a granny annex. However, the proposal is not made on the basis that it would be occupied as a separate or independent dwelling. Indeed a householder planning application form has been submitted and the appellant has confirmed that *"the appeal proposal concerns the conversion of a garage to form ancillary accommodation related to the host dwelling"*. The appellant has commented that *"the person living in the converted garage is the appellant. The appellant is the father of the occupier of the host dwelling who resides with his wife and children. The facilities shared by the appellant are utilities, power and energy"*.
7. As the proposal is made on the basis that the converted garage would not be used as a separate dwelling, and there is clearly a family association/link with the host property, I am satisfied that the proposal is acceptable in respect of internal floorspace. I consider that it is reasonable to conclude that the occupiers of the appeal development would share some of the host dwelling facilities from time to time.
8. Had this proposal been for a separate/independent dwelling, with no opportunities to share additional internal space with the host dwelling (including outside garden space/access) and utility bills, I would not have considered the proposal to be acceptable. However, the appellant has suggested the imposition of a planning condition which restricts the use of the garage to that of an ancillary annex, and not as a separate/independent dwelling. I consider that such a condition is necessary.
9. Subject to the imposition of the above condition, I conclude that the proposal would not conflict with the design aims of Policies 3.5 and 7.4 of the London Plan 2016 and Policies H5, H(c) and DH1 of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014 (CS). The Council has confirmed that the Mayor's Housing Standards Policy Transition Statement 2015 is no longer relevant as the relevant standards have been subsumed into the London Plan 2016. Given the nature of the appeal proposal, I have not found any conflict with the London Plan 2016.

Living conditions

10. The Council has raised concerns about pedestrian access being from the rear garden of the host dwelling. They consider that this would mean a degree of overlooking and loss of privacy for users of the rear garden. However, subject to the imposition of a planning condition which restricts planning permission to that of an ancillary annex only, I do not consider that this arrangement would cause unacceptable harm to the amenities enjoyed by the occupiers of the host dwelling. Indeed, the application is made on the basis that there would be a sharing of facilities between the host dwelling and the annex.

11. Subject to the imposition of the planning condition, I conclude that the proposal would not lead to unacceptable overlooking or the loss of privacy. Therefore, the proposal would accord with the amenity aims of Policies H(c), DH1, H5 and DH(b) of the CS.

Character and appearance

12. When viewed from the street-scene the appeal building would still have the appearance of a garage. It is not proposed to make any alterations to the front elevation of the garage (the front garage door is to remain in situ). The proposal would be an ancillary form of accommodation and would not constitute a separate dwelling house. I note the Council's concerns about "tandem" development, but I do not consider that the proposal would change the character and appearance of the area when viewed from public areas, or that it would lead to a reduction in outside amenity space enjoyed by residents. In this regard, I conclude that the proposal would not conflict with the design aims of Policy 7.4 of the London Plan 2016 or Policies H(c), DH1, H5 and DH(b) of the CS.

Conditions

13. As the development has already been carried out it is not necessary to impose planning conditions relating to the approved drawings or in respect of the commencement of development. However, in the interests of the character and appearance of the area, and the living conditions of the occupiers of both the host dwelling and the annex, it is necessary to restrict use of the converted garage to that of an annex associated with No 28 Camelot Close and for it to not be used as a separate dwelling. The appellant has agreed to such a planning condition being imposed.

Conclusion

14. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Daniel Hartley

INSPECTOR

Schedule of Conditions

- 1) 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 No 28 Camelot Close, Thamesmead, Greenwich SE28 0ES.