



Appeal Decision

Site visit made on 26 September 2016

by Peter D. Biggers BSc(Hons) MRTPI

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

Decision date: 06 October 2016

Appeal Ref: APP/N0410/D/16/3154593

Shergill Cottage, One Pin Lane, Farnham Common, Bucks SL2 3QS

- 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 M Gill against the decision of South Bucks District Council.
 - The application Ref 16/00237/FUL dated 12 February 2016 was refused by notice dated 12 May 2016.
 - The development proposed is outbuilding in rear garden to be used as ancillary use to main dwelling as gymnasium.
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Decision

1. The appeal is allowed and planning permission is granted for the outbuilding in rear garden to be used as ancillary use to main dwelling as gymnasium at Shergill Cottage, One Pin Lane, Farnham Common, Bucks SL2 3QS in accordance with the terms of the application, Ref 16/00237/FUL dated 12 February 2016 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16.511/P.01A; 16.511/P.02A; 16.511/P.03A.
 - 3) The materials to be used in the construction of the external surfaces of the outbuilding hereby permitted shall match those used in the main dwelling.
 - 4) No development shall commence until details of landscape works for the rear garden to Shergill Cottage have been submitted to and approved in writing by the local planning authority. These details shall include:-
boundary treatment; planting details ; pedestrian access and circulation areas; hard surfacing materials; and an implementation programme.
The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance with the agreed implementation programme.
 - 5) The development hereby permitted shall be used solely for purposes entirely ancillary to the residential use of the dwelling known as Shergill Cottage, One Pin Lane, Farnham Common.

Main issue

2. The main issue is the effect of the proposed development on the living conditions of present and future occupants of neighbouring dwellings in terms of outlook and light and the future occupants of Shergill Cottage in terms of the availability of private amenity space.
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Reasons

3. Shergill Cottage is a large dwelling currently being constructed on the site of a smaller house. It sits towards the front of the plot and the proposed outbuilding would sit close to the rear southern boundary. Because of the positioning of neighbouring dwellings the outbuilding would sit between Poynings to the west and No 23 Holly Close to the east which are separated from the Shergill Cottage plot by timber fencing. The southern boundary to Clairmont is well screened by a fence and mature trees and shrubs.
4. The proposal has been revised since submission of the application and before the Council's decision, to reduce the width, depth and height of the proposed outbuilding, increasing the separation to the side boundaries to about 3 metres.
5. In respect of the impact on living conditions for neighbours to east and west of the site, No 23 Holly Close has a ground floor window to a main habitable room facing towards the proposed outbuilding and an outside patio area of the garden between the window and the boundary. The window would be about 12 metres from the gable end of the outbuilding and the patio area approximately 8 to 9 metres at the nearest point. The existing boundary fencing would screen the gable wall of the proposed outbuilding almost to eaves height and the fact that the building would be set off the boundary by 3 metres with the shallow roof hipped away from No 23 means that the impact of the building would not be overbearing on the outlook from the living room window and patio area. Moreover, the patio area, although located behind No 23 on the side closest to the proposed outbuilding, is part of a substantial garden area and the outlook from it is not restricted to a westerly direction. As a result of the positioning of the outbuilding there would be a minor loss of sunlight but this would be limited to when the sun is low in the western sky during winter months and not such as to adversely affect living conditions.
6. Although the outbuilding would be closer to the neighbouring dwelling on the west side, Poynings, the windows serving the habitable rooms in Poynings do not face towards the proposed outbuilding and because of the position of the dwelling relative to the outbuilding there would be no impact on sunlight levels.
7. With regard to the relationship to Clairmont to the south the boundary screening and separation distance between Clairmont and the outbuilding is such that there would be no impact. There would be 2 windows in the south-facing elevation of the outbuilding but these would be set at a high level and would not enable any overlooking southwards towards Clairmont.
8. It has been put to me that the result of constructing the outbuilding would be to overdevelop the site and reduce the available area of private amenity space to a size that would be insufficient for the large dwelling it serves. I note that there is no standard minimum provision set for private amenity space by the Council and, although I acknowledge that the remaining green space would be limited, it would still be sufficient to accommodate the normal outdoor requirements of a garden namely sitting out, children's play, clothes drying etc. Moreover I accept that the outbuilding itself, in providing covered leisure space for the house, with a mainly open, glazed elevation towards the house and the garden, would contribute private amenity space for the dwelling. I am not therefore persuaded that the reduction in the area of outdoor private amenity space would unduly impact on the living conditions of the occupants of Shergill Cottage.
9. Third parties have referred to concern over noise and disturbance. However given the intended leisure use ancillary to the dwelling house and the form of the building I am satisfied that noise levels would be unlikely to be any different to the

levels that could normally be expected to be experienced between gardens.

10. The Framework in its core planning principles at paragraph 17 seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy EP3 of the *South Bucks District Local Plan* (SBDLP) is consistent with the Framework in seeking to ensure the scale and siting of development amongst other things does not affect the amenities of any nearby properties. Policy H13 of the SBDLP deals specifically with ancillary buildings within residential curtilages and sets out a number of tests including that the outbuilding should not adversely affect nearby properties. For the reasons above the living conditions of occupants in both Shergill Cottage and neighbouring dwellings would not be adversely affected and policies EP3 and H13 would not be conflicted.

Other Matters

11. Third parties have raised a number of other concerns regarding the proposal.
12. The fact that there is a condition removing permitted development rights for outbuildings on the original permission for Shergill Cottage does not mean that development cannot take place, merely that permission must be applied for before an outbuilding can be erected.
13. As applied for I am satisfied that the proposal to use the building in a manner ancillary to the main residential use of the dwelling is appropriate for the location and a condition could be attached to ensure that this remained the case. In the event that the building was to be used for other purposes this would need to be subject to a separate application which would be considered on its merits after due consultation at that time.
14. As the building is not proposed to be used as residential accommodation it would not add to the off street parking needs of the dwelling. Equally for the same reason the outbuilding would not give rise to any drainage issues.

Conditions and Conclusion

15. I have considered the conditions suggested by the Council against the advice in the *Planning Practice Guidance* and for their clarity. A condition requiring development to be carried out in accordance with the submitted plans is necessary as this provides certainty that the development would be carried out in the form proposed. Control is also required to ensure use of matching materials in order to safeguard the character and appearance of the property and of the surroundings. The submitted plans refer to landscaping between the outbuilding and the plot boundary and, as this would constitute a variation over what was proposed for the landscaping of the main dwelling, I will impose a landscaping condition in order to control the nature of that boundary landscaping. The appellant has indicated his agreement to the application of such a condition. Finally in order to ensure that the use remains entirely ancillary to the residential use of the host dwelling and in order to protect the living conditions of occupants of Shergill Cottage and neighbouring dwellings I will attach a condition limiting the use of the outbuilding to ancillary uses incidental to the enjoyment of the dwelling. The Council proposed this condition subsequent to the submission of the appeal and the appellant has been given the opportunity to comment on it and has raised no concerns.
16. For the reasons given above, the appeal should succeed and planning permission be granted.

P. D. Biggers INSPECTOR