

Appeal Decision

Site visit made on 14 November 2016

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 22 November 2016

Appeal Ref: APP/X0360/D/16/3159491

Pickeridge House, Sandhurst Road, Finchampstead, Wokingham, RG40 3JE

- 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 A & Mrs L Lucarelli against the decision of Wokingham Borough Council.
 - The application Ref 160493, dated 19 February 2016, was refused by notice dated 5 August 2016.
 - The development proposed is alterations to pool house including removal of pool, erection of porch, chimney & alterations to fenestration, for use as ancillary accommodation to the main dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to pool house including removal of pool, erection of porch, chimney & alterations to fenestration, for use as ancillary accommodation to the main dwelling, at Pickeridge House, Sandhurst Road, Finchampstead, Wokingham, RG40 3JE, in accordance with the terms of application Ref: 160493, dated 19 February 2016, subject to the conditions in the attached schedule.

Main Issues

2. The main issues of the appeal are:
 - whether the proposal would constitute ancillary development to the main dwelling;
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would result in an unsustainable pattern of development; and
 - whether mitigation is required to ensure that there would be no adverse impact on the integrity of the Thames Basin Heaths Special Protection Area.

Reasons

Ancillary development

3. The proposal seeks to convert an existing pool house building within the curtilage of Pickeridge House into ancillary living accommodation. The existing pool house building was constructed in 1995 as residential permitted development and features an indoor pool and a lounge/dining area at ground
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floor level, associated plant room, a shower, a toilet and a kitchen at lower ground level and a bedroom with an en-suite bathroom at upper ground floor level. I observed that Pickeridge House is a substantial 5 bedroom property set within a large plot.

4. The scheme proposes to convert the existing lounge/dining area into a new kitchen and breakfast area, with the poolroom altered to provide a lounge/dining room, an entrance hall, together with a second bedroom and a further bathroom with an adjoining storage area. The existing bedroom and en-suite bathroom would be retained. The existing kitchen, plant room and store would be converted into basement storage and would accommodate central heating plant. The appellants have set out that they wish to move into the converted outbuilding and allow their daughter and her family to move into Pickeridge House.
5. The Council are of the view that the proposal, due to its size and facilities, would not be ancillary development and would be tantamount to an independent dwelling and therefore a new planning unit. There is no dispute that the extent of the facilities would allow the building to be lived in without any particular dependence on the main dwelling. However, I am not of the view that on this basis alone it should be determined that it would result in a new planning unit. The proposed scheme would share the same vehicular access and curtilage as the main dwelling. It is not proposed that a separate curtilage would be marked off to serve the converted pool house building.
6. Further to this, the appellants have set out, that they are elderly and by converting the existing building into a 'granny annexe' with Pickeridge House being occupied by their daughter and her family, they can continue to live on-site with family support available close by, if required. Given that there is some demonstrable sharing of facilities in the form of vehicular access and curtilage and that the proposal and the main dwelling would be occupied by the same immediate family, I am satisfied that the proposal would be ancillary development to the main dwelling and would not result in the formation of a new planning unit. In any event, I consider that this can be secured by a planning condition. This would ensure that the proposal could not be occupied or sold as a separate planning unit.
7. The Council also maintain that the proposal would not be ancillary development due to its size and would not appear smaller than the main dwelling. However, the main house is a substantial five bedroom two storey property, with a floorspace of some 436 square metres. Whereas, the existing outbuilding is single storey in height and has a floorspace of approximately 182 square metres. I observed on my site visit the existing outbuilding does, and would, appear both smaller and ancillary to the main dwelling, despite what internal accommodation the pool house building would contain.
8. In conclusion on this matter, given all of my above findings, I consider that the proposal would constitute ancillary development and would not create a separate planning unit. The scheme would not therefore conflict with Policies CP1, CP3 and CP11 of the Wokingham Borough Local Development Framework Core Strategy (2010) (the CS).

Character and appearance

9. The scheme would not result in any significant changes to the existing pool house building. The existing windows would be altered and new windows and a door added. A small porch would also be added to the front of the building and an existing chimney stack removed to be replaced by a new stack on the southeast flank elevation. The Council accept that these changes would not result in any harm to the character and appearance of the area and I agree with this view.
10. The Council's main concern in this regard relates to the scheme forming an example of backland development that would be contrary to the prevailing character of the area. However, as I have set out above, the proposal would appear ancillary to the main dwelling. Further, a planning condition can be imposed that restricts a separate curtilage from being created for the proposed scheme. This would ensure that the scheme did not appear as backland development and that there would be no significant visual changes from what exists at the current time.
11. I consider that the proposal would not result in any harm to the character and appearance of the area and would not result in the further urbanisation of the countryside. Given this and that I have found the scheme to represent ancillary development, there is no conflict with Policy CP11 of the CS and Policy TB06 of the Wokingham Borough Local Development Framework Managing Development Document (2014) (the MDD). Further, I find that the proposal would not run contrary to the Borough Design Guide (2012).

Sustainability of the location

12. The Council are of the view that a new dwelling in this location would have poor access to public transport and would not be within walking distance of local services. The appellants also accept that they currently rely on a private motor vehicle for most of their day to day needs. However, I am mindful that I have found that the scheme would be ancillary to the main dwelling and would not result in a separate planning unit.
13. Further to this, it has been set out that the main dwelling would be occupied by the appellant's daughter, her husband and two children. Along with the appellants, there would be six occupants on-site. Given that the main dwelling has five bedrooms it would not be unreasonable to consider that if the property was sold in the future, the main dwelling could be occupied by a similar number of total occupants, which would generate a similar number of vehicle trips. I am also mindful that the appellants are elderly and in the future there is likely to be a reliance on family in the main dwelling for their day to day needs, such as shopping etc.
14. For all of these reasons, I consider that the proposal would not result in vehicle trips and a reliance on a private motor car, any more so than could feasibly be experienced on the site in any event. Therefore, I am not of the view that there would be any demonstrable harm in this regard, given the specific circumstances of the case. There would consequently, be no conflict with Policies CP1, CP3, CP6 and CP11 of the CS.

Thames Basin Heaths Special Protection Area (the SPA)

15. The appeal site lies within 5 kilometres of the SPA. In accordance with Policy NRM6 of the South East Plan and Policy CP8 of the CS, new dwellings are expected to provide mitigation to ensure that individually or in combination with other projects, they would not have an adverse effect on the integrity of the SPA. I have determined that the proposed development does not result in the formation of a separate planning unit and is ancillary to the main dwelling. Therefore, I consider that the proposal does not constitute a new dwelling and therefore the scheme does not need to make a financial contribution to the Council in this regard and there would be no adverse effect on the integrity of the SPA. The proposal therefore complies with Policy NRM6 of the South East Plan and Policy CP8 of the CS.

Conditions

16. I have considered the suggested conditions against the tests set out within the National Planning Policy Framework (the Framework) and the advice provided by the Government's Planning Practice Guidance and have amended them where required. As well as the standard time limit condition, a condition is necessary to ensure the development is undertaken in accordance with the approved plans to secure certainty. Condition (3) is necessary to secure the suitable appearance of the scheme. Condition (4) is imposed to ensure that the development is occupied at all times ancillary to the main dwelling.
17. Condition (5) is necessary to ensure that the proposal does not result in any harm to the character and appearance of the area. Both parties were contacted to seek their views on whether such a condition would be suitable. The Council has raised concern with regard to the enforceability of the condition. However, I consider that the condition can be enforced through a simple site visit. I am therefore of the view that the condition would meet all of the tests for planning conditions set out in Paragraph 206 of the Framework.
18. The Council has suggested planning conditions in relation to tree protection and retention. However, the proposal would only result in the addition of a small porch, which I observed would not have any impact on existing trees. I am not therefore satisfied that such conditions are necessary to make the development acceptable in planning terms. It appears from the Council's Officer Report under the section 'Loss of trees' that it is assumed that the proposal would require vehicular access through the site, which could cause harm to existing trees. However, no such vehicular access is proposed or required. As a result, I have not therefore imposed these conditions, as they do not meet all of the tests set out in Paragraph 206 of the Framework.

Conclusion

19. For the reasons set out above and having regard to all other matters raised, I conclude that the proposal would comply with the development plan as a whole and therefore the appeal is allowed.

Jonathan Manning

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development shall be undertaken in accordance with the following approved plans: Site Location Plan (no reference); 2K1409/1 (Site Survey) and 2K1409/6 (Proposed Floor Plans and Elevations).
- 3) Except where stated otherwise on the approved drawings, the materials to be used in the construction of the external surfaces of the scheme, hereby permitted, shall be of similar appearance to those used in the existing building.
- 4) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Pickeridge House, Sandhurst Road, Finchampstead, Wokingham, RG40 3JE.
- 5) The development hereby permitted shall not at any time create a separate curtilage from the main dwelling, known as Pickeridge House.