

Appeal Decision

Site visit made on 17 November 2016

by Jane Miles BA (Hons) DipTP MRTPI

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

Decision date: 15 December 2016

Appeal Ref: APP/Y3940/W/16/3154468

Sarsen House, The Green, Aldbourne, Wiltshire SN8 2EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Mike Stedman against the decision of Wiltshire Council.
 - The application ref: 15/11733/FUL, dated 25 November 2015, was approved on 27 January 2016 and planning permission was granted subject to conditions.
 - The development permitted is "To extend existing garage with traditional oak frame to create an independent living accommodation unit".
 - The condition in dispute is condition 3 which states: "The extension to the garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as Sarsen House and it shall remain within the same planning unit as the main dwelling".
 - The reason given for the condition is: "The additional accommodation is sited in a position where the local planning authority, having regard to the reasonable standards of residential amenity, access and planning policies pertaining to the area, would not permit a wholly separate dwelling".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On the block plan originally submitted and approved a red line indicates that the application site comprises the entire curtilage of Sarsen House, with the proposed development being an addition to the existing detached garage alongside the site's south-eastern side boundary with 'Hightown' at 21 The Green. No provision is indicated on that plan for a garden or for vehicular access and parking specifically to serve the additional dwelling unit.
3. The appeal submissions include an amended block plan. It indicates how the garden could be subdivided and how parking and turning space could be provided for two separately occupied dwellings. The Council has not objected to this amended plan being taken into account, and I am satisfied that doing so would not prejudice the interests of any other interested parties.

Reasons

4. Removing condition 3 as sought by the appellant would allow the small dwelling unit that has already been permitted (but not yet built) to be occupied quite
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separately from the adjacent main dwelling known as Sarsen House, with no family or other functional link to it. Thus, having regard to the reason given for the condition and to the Council's appeal statement, the **main issue** in this appeal is the effect that removing the condition would have on living conditions in both the existing main dwelling and the proposed small dwelling unit.

5. It is relevant to note at the outset that, where a detached unit is intended for residential use and there is a relationship of some kind between those living in it and those in the main house¹, a lesser standard of amenity than would otherwise be required may often be considered acceptable because of that relationship and the consequent likelihood that some facilities would be shared, such as parking and garden areas for example. For two completely separate dwellings with unrelated occupants then any development plan policy requirements which seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings would normally be applicable. With regard to such matters the most relevant development plan policy in this case is Core Policy 57:vii of the Wiltshire Core Strategy (CS) (2015).
6. I find the most significant of the Council's various concerns to be those relating to access and parking. Sarsen House is unusual in that it has hard-surfaced parking and turning areas within its curtilage but it does not have a direct vehicular access to and from the street. Instead such access is currently via a gateway at 21 The Green and then through a gateway in the boundary wall between the two properties.
7. Using this route to reach the parking spaces indicated on the revised block plan would involve driving and manoeuvring close to the front door and ground floor windows in Sarsen House. Access on foot via the pedestrian gate in the boundary wall to The Green would also involve passing close by the front door and windows. These arrangements would result in adverse impacts for occupiers of the existing dwelling in terms of privacy, noise and disturbance, albeit a short length of hedge would provide some screening to the wide bay windows facing north-east. In addition the parking spaces for the additional small unit would be directly in front of its living space windows, thereby diminishing the quality of the outlook from that principal living area.
8. In these respects, due to the site constraints and especially the close proximity of the existing and proposed dwellings, a completely separate dwelling as now proposed would not amount to high quality design in terms of site layout. It would not provide for a good standard of amenity for occupants of either dwelling. Similar concerns would arise even if direct vehicular access was to be created from The Green. Moreover that alternative would have an additional adverse impact because it would require removal of a section of boundary wall that contributes positively to the character and appearance of the Aldbourne Conservation Area and to the setting of the listed building at no. 21 The Green.
9. The outdoor space within the curtilage of Sarsen House is an irregular shape but it amounts to a considerable area in terms of size. Thus subdividing it as indicated on the amended block plan would provide sufficient outdoor amenity space for each dwelling. Given also the nature and position of first floor

¹ Such as an elderly relative (as was suggested in information supporting the appellant's application) or staff accommodation for example

windows in the main dwelling's north-east elevation, and the scope to require boundary treatment by condition, an adequate level of privacy could be potentially be achieved in the small garden for the additional dwelling unit. Neither this nor the position of the additional unit towards the rear of the site, in a village with a relatively informal pattern of buildings, weighs against allowing a completely separate dwelling to any significant degree. These matters do not however outweigh my previous findings relating to the occupiers' living conditions.

10. I note the decision² in a recent appeal where a similar condition was challenged in relation to a property on the other side of The Green. However, as far as I can tell from that decision, the particular combination of circumstances in that case differs from those at Sarsen House, not least in that no. 8 The Green has access to both The Green and Back Lane. That appeal decision does not therefore provide sufficient justification to allow this appeal, which I have determined on its merits in the light of the particular site context and layout.
11. I have borne in mind also that the application was made, and permission was granted, for an 'independent living accommodation unit'. Even so it was clearly stated in the submitted design and access statement that the unit would be used as accommodation for the householder's retired parent. That was confirmed during the application process in additional information which also mentioned some possible future uses, none of which suggest occupation or use unrelated to the main dwelling. Thus I find that the Council's approach in imposing condition 3 was reasonable, and that the condition is also necessary, precise, enforceable and relevant to planning and to the development in question.
12. There are conflicting views from the Council and appellant as to whether or not the Aldbourne Community Plan supports the creation of a new small residential dwelling. In any event, any such dwelling would be required to provide for a good standard of amenity for its occupiers, without harming living conditions at any nearby dwellings. For the reasons already given I have found that a completely separate dwelling as now proposed would fail in these respects, thereby conflicting with the development plan and with similar policy guidance in the *National Planning Policy Framework*. Having had regard to all other matters raised I therefore conclude the appeal must fail.

Jane Miles

INSPECTOR

² Appeal ref: APP/Y3940/W/16/3143267, decision dated 9 May 2016
