



Appeal Decision

Site visit made on 12 December 2016

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 5th January 2017

Appeal Ref: APP/G5180/W/16/3160548

247 Worsley Bridge Road, Beckenham BR3 1RW

- 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 Dr Inthumathi Kumarendran against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/02674/FULL1, dated 3 June 2016, was refused by notice dated 21 July 2016.
 - The development proposed is granny annex at the rear of the property.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether the proposal is capable of becoming a separate dwelling house;
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of future occupiers with specific reference to light, outlook and ventilation;
 - The effect of the proposal on the living conditions of existing occupiers with specific reference to outlook and privacy; and
 - The effect of the proposal on highway safety with specific reference to parking.

Reasons

Whether the proposal is capable of becoming a separate dwelling house

3. Paragraph 4.29 of the supporting text to Policy H8 of the Council's Unitary Development Plan (UDP) 2006 states that residential extensions ('granny annexes') can provide accommodation which enables care for an elderly or disabled relative. However, it states that problems can arise where a development constitutes a self-contained unit which could potentially be severed from the main dwelling. It goes on to say that this can result in substandard accommodation with inadequate privacy, access provision, parking and amenity space and which is likely to be out of scale with the surrounding area and detrimental to neighbouring amenity. These types of development should be designed to form an integral part of the main dwelling.
-

4. The building is proposed over three levels with accommodation accessed via internal staircases with no lift provision shown. The accommodation could only be accessed via steps from the front or rear and the bedroom and bathroom would be located at first floor. No other WC facilities would be provided within the building. Consequently, I share the Council's concerns regarding the suitability of the accommodation as a granny annexe, particularly taking into account the health of the intended occupants as outlined in the appellant's personal statement.
5. The Council are also concerned that the proposal would constitute separate living accommodation which is capable of being severed and used as a separate dwelling house. The judge in *Uttlesford DC v SSE & White* (1992) considered that, even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling-instead it would be a matter of fact and degree.
6. The 'granny annexe' is intended as accommodation for the appellant's elderly mother and mother-in-law who are in poor health and also a resident 24 hour carer. I note that no separate parking facilities are proposed and that the garden is intended to be shared. However, the building would be a self-contained, detached, three-storey structure with an independent access and separate frontage onto Stumps Hill Lane. It would comprise a kitchen/living area, TV room/family area, two bedrooms and a bathroom. In addition, there would be a resident carer on hand 24 hours a day to tend to day to day needs. Consequently, there is no evidence before me to indicate that future occupants would live as part of the main house. Furthermore, the proposal would meet the internal floor space requirements set out in the Nationally Described Space Standards¹. Moreover, the proposal could easily be severed from the main house due to its location and high degree of self-containment.
7. Taking these factors into account, by matter of fact and degree, I must conclude that the proposal is capable of being used in the future as a self-contained dwelling. The proposal would, therefore, conflict with Policy H8 of the UDP.
8. Notwithstanding the identified policy conflict or whether a condition could be applied to ensure that the proposal remains ancillary to the host property consideration must also be given as to whether any harm would arise from the proposal either as a granny annex or as a self-contained unit and whether any benefits arising from the proposal would outweigh the identified conflict.

Character and appearance

9. The appeal site lies in the rear garden of no 247 Worsley Bridge Road (the host property) which occupies a corner site facing onto Worsley Bridge Road with a return to the private road Stumps Hill Lane. A single storey detached garage currently occupies the appeal site. Adjacent to the appeal site on the northern side of Stumps Hill Lane is a detached chalet bungalow beyond which are four pairs of semi-detached houses which have long rear gardens. A new housing development lies on the opposite side of Stumps Hill Lane comprised of town houses, terraces and flats. The informal nature of the private road, mature trees and long rear gardens contribute to the pleasant spacious and semi-rural character of the area.
10. To all intents and purposes the building would be perceived in the street scene as a separate new dwelling. The gable fronted design and materials are intended to

¹ Technical housing standards-nationally described space standard DCLG 2015

reflect the design of No 18 Stumps Hill Lane. However, the proposal would retain a distance of only 0.2m to the shared boundary with No 18 Stumps Hill Lane resulting in a cramped appearance. The proposal would, therefore, conflict with Policy H9 of the Council's Unitary Development Plan (UDP) 2006 which requires a minimum side spacing of 1m from the side boundary of the site in order to ensure adequate separation; safeguard the privacy and amenity of adjoining residents; and prevent a cramped appearance and terracing. The appellant suggests that there are several examples where a side space of less than 1m between properties exists. However, no details are provided of those properties and furthermore, properties in the lane appear to have been there for some time and thus may precede the current development plan. These factors limit the weight which I can attach to them in my Decision.

11. Furthermore, the proposal would also be approximately 8.4m from the rear elevation of the host property and would reduce the size of its garden which is already smaller than surrounding gardens due to the construction of a new dwelling (no 18 Stumps Hill Lane) in 1993 creating a subdivision of the original plot. Whilst the proposal would have a similar footprint to the existing single storey garage, the three storey dwelling would have much greater mass and bulk. Moreover, the resultant dwelling would have a significantly narrower frontage than surrounding properties. Taking these factors in combination, I consider that the proposal would be an incongruous and uncharacteristic addition at odds with the spacious character of the area.
12. I, therefore, conclude that the proposal would harm the character and appearance of the area and would, therefore, be contrary to Policy BE1 of the UDP which expects all development proposals to be of a high standard of design and layout, be imaginative and attractive to look at and should complement the scale, form, layout and materials of adjacent buildings and areas.
13. Conflict also arises with Policy H7 of the UDP which expects the site layout, buildings and spaces about buildings to be designed to a high quality and recognise as well as complement the qualities of surrounding areas. Furthermore, conflict would exist with Policies H8 and H9 of the UDP.
14. Moreover, conflict arises with Policy 3.5 of the London Plan 2016 which requires the design of all new housing developments to enhance the quality of local places. Finally, conflict arises with paragraphs 17 and 56 of the Framework which seek to secure a high quality design which contributes positively to making places better for people.

Living conditions of future occupiers

15. The lower ground floor of the proposal would comprise a TV/family area which would be served by light wells to the front and rear of the proposal and two high level windows which would be obscure glazed. The French windows on both elevations would be in close proximity to the retaining wall of the light wells which would restrict natural light into the room and also significantly restrict outlook. As the French windows could not be left open without constituting a security risk, ventilation would be dependent on the small flank elevation windows.
16. Furthermore, as discussed above the proposal could only be accessed via steps from the front or rear and the bedroom and consequently would not meet the changing needs of occupiers over their lifetimes.

17. Taking these factors in combination, I conclude that the proposal would result in poor living conditions for future occupiers with regards to light, outlook and ventilation. The proposal would, therefore, be contrary to criterion v of Policy BE1 of the UDP which states that development should respect the amenity of occupiers of neighbouring buildings and those of future occupants. Conflict also arises with Policy H7 of the UDP which requires the site layout, buildings and space about buildings to be designed to a high quality and recognise as well as complement the qualities of surrounding areas.

Living conditions of existing occupiers

18. The Council consider that the proposal would not have a harmful effect on the occupiers of No 1 Grace Mews due to the distance between the property and the appeal site. From everything which I have seen in submissions and on my site visit I have no reason to disagree.
19. The proposal would extend beyond the rear building line of No 18 Stumps Hill Lane by approximately 2m. Whilst there is an existing building the increased height of the proposal would create significant additional mass and bulk which would appear dominant and overbearing to the occupiers of no 18 which lies in close proximity. Furthermore, due to the presence of high level windows there is potential for overlooking of the rear garden of the adjacent No 243 Worsley Road.
20. The proposed dwelling would be situated 8.4m from the rear windows of the host property. I note that the windows of the flank elevation of the proposal facing the host property would be obscure glazed which would prevent direct overlooking. However, whilst there is an existing building on a similar footprint I consider that the significant mass and bulk of the additional stories in close proximity to the host property would appear dominant and overbearing and reduce the outlook of the existing occupiers.
21. For the reasons stated I conclude that the proposal would harm the living conditions of existing occupiers of the host property and surrounding properties with regards to outlook and privacy. The proposal would, therefore, conflict with Policies BE1 and H7 of the UDP.

Highway safety

22. The access to the proposed building would be via Stumps Hill Lane. Whilst there is an existing garage in this location an existing fence prevents the use of the access. In the event that the proposal becomes a separate planning unit there are concerns regarding the potential impact of on-street parking due to the narrow and unmade nature of Stumps Hill Lane. The Council Highways Officer advises that a minimum of one off-street parking space would be required.
23. Notwithstanding whether the proposal would constitute a separate self-contained dwelling I consider that a condition requiring the submission of a proposed car parking layout could have been imposed had I decided to allow the appeal.
24. Consequently, with the suggested condition, I conclude that the proposal would not cause harm to highways safety and would not, therefore, conflict with Policy T3 of the UDP which expects off-street parking spaces in new development to be provided at levels no higher than the parking standards set out in Appendix II of the UDP.

Other matters

25. A personal statement has been submitted by the appellant which states that the proposal is required to meet the care needs of family relatives and their carer. Whilst I have sympathy with the appellant's position there is no evidence before me to demonstrate that those needs cannot be met by alternative means such as an annex attached to the host property.
26. The appellant has suggested that the proposal could be conditioned to ensure that the proposal remains ancillary to the host property. I have reviewed the guidance in the Framework and the Planning Practice Guidance (PPG) together with suggested model condition number 47 set out at Annex A of Circular 11/95 (The Use of Conditions in Planning Permissions). However, taking into account the self-contained nature of the proposal with a separate frontage onto Stumps Hill Lane I consider that severance of the proposal from the host property could take place virtually undetected making the condition difficult to monitor. In any event, the imposition of such a condition would not address the significant harm which I have identified to the character and appearance of the area or the living conditions of existing and future occupiers.
27. The proposal would have some benefits in terms of providing additional living accommodation to meet the needs of the appellant's family. However, I consider that the totality of the harm arising from the proposal whether utilised as a granny annex or as a self-contained dwelling would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

28. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector