The Planning Inspectorate

Appeal Decision

Site visit made on 24 January 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 6 February 2017

Appeal Ref: APP/N1160/D/16/3165470
175 Ham Drive, Plymouth PL2 3RR

- 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 and Mrs Robinson against the decision of Plymouth City Council.
- The application Ref 16/01519/FUL, dated 8 August 2016, was refused by notice dated 19 October 2016.
- The development proposed is a two storey extension to provide additional accommodation for elderly relatives.

Decision

1. The appeal is allowed and planning permission is granted for a two storey extension to provide additional accommodation for elderly relatives at 175 Ham Drive, Plymouth PL2 3RR in accordance with the terms of the application, Ref 16/01519/FUL, dated 8 August 2016, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16/21/1, 16/21/2, 16/21/3, 16/21/4, block plans-existing and proposed and site location plan.

    3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

    4) The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 175 Ham Drive, Plymouth PL2 3RR.

Main Issue

2. The main issue in this appeal is whether the proposed extension would provide an acceptable standard of living environment for future occupiers, having regard to the provision of private amenity space.

Reasons

3. The appeal property comprises one of a pair of semi-detached dwellings in a row of similar sized properties. There are steps leading down to the dwelling from the road, at the side of an off–street parking area which occupies part of the front garden. A good sized private garden slopes away from the dwelling towards the rear boundary.

4. The proposed extension would be at the side of the existing dwelling. It would provide a kitchen and lounge on the ground floor, with one bedroom and an ensuite at first floor level. Therefore, the future occupiers would not have to share any of the facilities of the existing dwelling. The proposed extension would be accessed by a separate front door and it would have a separate internal staircase. Consequently, the proposed extension would be capable of being occupied as a self-contained unit.

5. Even so, relevant case law[1] indicates that the presence of all of the facilities for independent day-to-day living would not in itself be determinative as to whether the proposed extension would amount to a separate planning unit from the existing dwelling. It is therefore necessary to examine how the proposed extension would be occupied.

6. I understand that the proposed extension would accommodate the appellants' close relations, who are elderly and require regular assistance. It is therefore likely that there would be considerable daily interactions between the occupiers of the proposed extension and those of the existing dwelling. An internal opening provided at ground floor level in the proposed extension would link to the kitchen of the existing dwelling and would facilitate the ease of interaction between the occupiers of the respective accommodation. In terms of its overall floorspace, the proposed extension would be much smaller than the existing three bedroom dwelling.

7. The rear garden would be shared by the occupiers of the proposed extension and the existing dwelling. A door in the rear elevation of the proposed extension would provide shared access to the garden for both sets of occupiers. There would be no other direct access from the existing dwelling to the rear garden. All of the occupiers would also share the pedestrian entrance at the front of the appeal property onto Ham Lane, as well as the existing parking arrangements.

8. I have taken account of the Council's adopted Development Guidelines Supplementary Planning Document (SPD). This states that extensions for dependent relatives should be designed to form an integral part of the main dwelling with access to the accommodation via the main dwelling and not by means of an independent access. Even so, it will not always be practical to design an extension which achieved this objective. More importantly, for reasons stated above and as a matter of fact and degree, the proposed extension would be occupied as a part of the existing dwelling.

9. The SPD also indicates that extensions which can potentially be severed from the main dwelling to form a separate unit could result in the creation of sub-standard accommodation. I accept that if the proposed extension were occupied separately from the existing dwelling in future, the occupiers would lack any form of private external amenity space and that they would therefore be afforded a poor standard of residential living environment. However, in my view a suitable planning condition could be imposed to restrict the occupation of the proposed extension to that ancillary to the existing dwelling, thereby precluding its occupation as a separate unit. Such a condition would overcome the above objection.

[1] *Uttlesford DC v SSE and White* [1992] JPL 171.

10. Overall, I find that the proposed extension would provide an acceptable standard in terms of private amenity space, having regard to its occupation as part of the existing dwelling and it would therefore not result in a poor standard of living environment for future occupiers.

11. Consequently, the proposed extension would accord with Policy CS34 of the adopted Plymouth Core Strategy by protecting residential amenity. Moreover, the proposed extension would not be inconsistent with the SPD guidance, as it would not result in the creation of accommodation which is substandard in terms of privacy and amenity space. The SPD recognises that in some cases, as in my view are applicable in this appeal, a condition restricting occupancy of accommodation to that ancillary to the main dwelling can be appropriate.

Conditions

12. In addition to the standard commencement condition, I have imposed a condition specifying the approved plans in the interests of certainty. To ensure a harmonious appearance between the proposed extension and the existing dwelling, I have imposed a condition requiring matching external materials. I have also imposed a condition requiring the proposed extension to not be occupied other than as part of the existing dwelling, for the reason set out above.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

Stephen Hawkins

INSPECTOR