

Appeal Decision

Site visit made on 14 February 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 02 March 2017

Appeal Ref: APP/Z1510/W/16/3160929

Rose Cottage, Poole Street, Great Yeldham CO9 4HJ

- 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 Mason against the decision of Braintree District Council.
 - The application Ref 16/01293/FUL, dated 28 July 2016, was refused by notice dated 4 October 2016.
 - The development proposed is demolition of existing annex and garage block and rebuild to create ancillary accommodation to Rose Cottage.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing annex and garage block and rebuild to create ancillary accommodation to Rose Cottage at Rose Cottage, Poole Street, Great Yeldham CO9 4HJ in accordance with the terms of the application, Ref 16/01293/FUL, dated 28 July 2016, subject to the schedule of conditions set out at the end of this decision.

Procedural Matter

2. I have also dealt with another appeal (Ref: APP/Z1510/D/16/3163804) on this site. That appeal is the subject of a separate decision.

Main Issues

3. The main issues are:
 - (a) The effect of the development on the character and appearance of the main property and surrounding area;
 - (b) Whether the proposal would be an appropriate use in the countryside; and
 - (c) The effect of development on flood risk and the safety of future occupants.

Reasons

Character and appearance

4. Rose Cottage is located in the countryside on the edge of Great Yeldham and is set away from any neighbouring properties. The main property is relatively modest in scale and is visible from the road. Set within a large plot, it has a pleasing character and appearance and makes a positive contribution to the rural surroundings.
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5. The existing annexe and two garages to the south occupy a larger footprint than the main property, but the overall height of the buildings is noticeably less than the main property ensuring a subordinate scale and character. The position of the annexe and garage to the side of the main property make the three buildings less prominent than the main property when viewed from the road and so they appear as ancillary structures. As such, they do not detract from the attractive rural surroundings.
6. The proposed development would have a similar floor area to the existing annexe and garages, but a smaller width and footprint due to being one single structure. There would be a marked increase in height, but still less than the main property with a simple roof form that would not be overly bulky. The position of the development would be broadly similar to the existing situation and, in conjunction with a barn-like appearance, would maintain a subordinate and ancillary scale and character with the main property. The development would be more visible from the road due to the increased height, but not to the extent that it would detract from the prominence of the main property. Thus, the positive contribution made by the main property and the overall rural surroundings would endure.
7. Concluding on this main issue, the proposed development would have an acceptable effect on the character and appearance of the main property and surrounding area. Therefore, it would accord with Policies RLP2, RLP18 and RLP90 of the Braintree District Local Plan Review 2005 ('the Local Plan Review') and Policy CS5 of the Braintree Core Strategy 2011 ('the Core Strategy'). Amongst other things, these policies seek to protect the landscape character of the countryside, with development required to be subordinate and compatible with the scale and character of the existing dwelling in terms of bulk, height, width and position. They also seek a high standard of design that reflects or enhances local distinctiveness.

Appropriateness of the proposed use

8. Policy CS5 of the Core Strategy and Policy RLP2 of the Local Plan Review strictly control development outside of settlement boundaries to uses appropriate to the countryside. In this regard, Policy RLP18 of the Local Plan Review permits self-contained annexes and the conversion of outbuildings to existing dwellings in the countryside to meet the needs of dependent relatives subject to the proposal being compatible with its surroundings and remaining solely as ancillary accommodation secured by condition or obligation.
9. The annexe living accommodation would include all of the rooms required to be effectively self-contained and independently occupied from the main property. However, there is no reason in planning law why self-contained accommodation should consequently become a separate planning unit from the main dwelling. Instead, it is a matter of fact and degree.
10. As discussed above, the proposed development would be subordinate and ancillary in scale and character to the main property. It would face towards and be sited near to the main property and would share the access and garden spaces. The intention is for the annexe to be used by two occupants; one as a medical carer for the appellant's wife and the other as a housekeeper. The occupants would form part of the household in the main property while living independently. They would also be meeting the needs of a dependent relative.

Thus, the development would be subordinate and ancillary to the main property in terms of its use.

11. There is still the potential for the building to become a separate planning unit given that it can be independently occupied. However, such an arrangement can be avoided via the use of an appropriate planning condition which would ensure that the use remains ancillary. I consider that the site and the proposed development are sufficiently visible from the road to detect a breach of planning condition and so it would be possible to enforce.
12. Concluding on this main issue, the proposed development would be an appropriate use within the countryside. Therefore, it accords with Policy CS5 of the Core Strategy and Policies RLP2 and RLP18 of the Local Plan Review as a form of development appropriate to the countryside providing accommodation to meet the needs of dependent relatives. It would also meet the aims of the National Planning Policy Framework (NPPF) by avoiding a new isolated home in the countryside.

Flood risk

13. The proposed development would lie within Flood Zone 2 as shown in documents provided by both the appellant and the Council. The appellant has produced a Flood Risk Assessment (FRA) which, based on my reading, provides a suitable assessment of all sources of potential flooding and includes an allowance for climate change in line with national guidance. The FRA also includes the estimated flood levels for up to a 1 in 1000 year event. The plans show the ground levels around the proposed development at around a metre higher than the 1 in 1000 year event estimated flood level, and the finished floor levels within the development higher still.
14. The FRA considers surface water drainage and suggests future drainage techniques. The document says the specific technique will be subject to detailed design and consultation with the local lead flood authority and the Council. An appropriately worded planning condition would ensure that the right technique is used. The FRA recommends that a flood response plan is produced to deal with access and evacuation issues, which could be addressed via a planning condition. The FRA does not discuss flood resilience or resistance measures, but again, this is something that could be dealt with via a planning condition.
15. The proposed development replaces the existing ancillary structures on a similar footprint without major changes to the surrounding hard surfacing. Given the measures suggested by the FRA and those that could be secured via planning conditions, I am thus satisfied that the development would be safe for its lifetime taking into account the vulnerability of its users and would not increase flood risk elsewhere.
16. Concluding on this main issue, the development would have an acceptable effect on flood risk and the safety of future occupants. Therefore, it would accord with Policy CS8 of the Core Strategy which, amongst other things, seeks to minimise exposure of people and property to the risks of flooding. It would also comply with the requirements of the NPPF in terms of addressing the challenge of flood risk.

Other Matters

17. I note concerns regarding the loss of garage space for the parking of bicycles, but consider sufficient space exists within the site to provide such parking.

Conditions

18. Conditions setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plans are necessary for clarity and compliance. For the avoidance of doubt, I have specified that the alterations to the main house shown on plan 240-01SK01-5 should not be carried out as these do not have the benefit of planning permission.
19. Conditions requesting a surface water drainage scheme, flood resilience and/or resistance measures, and a flood evacuation plan are necessary and relevant given the flood risk issues. Conditions 3 and 4 are pre-commencement conditions to ensure that the scheme and measures are agreed and incorporated into the construction process from the start.
20. A condition concerning the materials to be used is necessary and relevant to ensure that the appearance of the development is satisfactory. A condition restricting the use of the development to purposes ancillary to the main property is necessary to avoid it becoming a separate residential unit and would meet all of the other tests set out in paragraph 206 of the NPPF.

Conclusion

21. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR

Schedule of 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: 240-01SK01-3, 240-01SK01-4 and 240-01SK01-5 (except in respect of the alterations to the main house at Rose Cottage shown on plan 240-01SK01-5).
- 3) No development shall commence until details of flood resilience and/or resistance measures have been submitted to and approved in writing by the local planning authority. The approved measures shall be implemented prior to the first occupation of the building and thereafter retained.
- 4) No development shall commence until details of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the building and thereafter retained.
- 5) No above ground construction works shall take place until details and samples of the materials to be used in the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter retained.
- 6) 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 Rose Cottage. It shall not be used as a separate residential unit without first obtaining planning permission from the local planning authority.
- 7) Prior to the first occupation of the development, a flood evacuation plan shall be submitted to and approved in writing by the local planning authority. The plan shall set out how it will be made available to all future occupants of the development.