
Appeal Decision

Site visit made on 30 May 2017

by R Norman BA (Hons) MA MRTPI

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

Decision date: 16th June 2017

Appeal Ref: APP/L2630/D/17/3171174

Folly House, Harts Lane, Bawburgh NR9 3LS

- 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 Mrs Elizabeth Lewis Williams against the decision of South Norfolk District Council.
 - The application Ref 2016/1571, dated 27 June 2016, was refused by notice dated 8 September 2016.
 - The development proposed is the demolition of existing outbuilding and new build subservient annex.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing outbuilding and new build subservient annex at Folly House, Harts Lane, Bawburgh NR9 3LS in accordance with the terms of the application, Ref 2016/1571, dated 27 June 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: 01 Location Plan; 02 Existing Site Plan; 03 Proposed Site Plan; 04 Rev A Proposed Elevations; 05 Proposed Views; 15.09.23 C1 Tree Survey.
 - 3) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Folly House, Harts Lane, Bawburgh NR9 3LS.

Main Issue

2. The main issue is whether the appeal proposal would constitute a new dwelling as opposed to an annex.

Reasons

3. The existing outbuilding is sited to the rear of the main dwelling, Folly House, and comprises of a relatively dilapidated, single-storey building, which is partially overgrown by vegetation. It is located to the rear of the existing residential garden. The proposal is to remove this building and replace it with a single-storey annex. The Council considers that the freestanding building would be tantamount to a new dwelling, not reliant on the existing house.

4. The proposed replacement building has been described as an annex on the submitted application form and it has been indicated in the appellant's submission that the proposed annex will be used for ageing parents or children returning home. There is no indication that the garden is to be subdivided and it is proposed that the annex would utilise the existing accesses to Folly House. Whilst the annex itself would have self-contained facilities, this does not necessarily indicate that it would be used as a separate dwelling. Indeed, it is unlikely that anyone unrelated to the family would wish to occupy the annex due to its proximity to the main dwelling and the lack of privacy that would result.
5. Furthermore, the proposed annex would be significantly smaller than, and subservient to, the main dwelling. In addition, the use of the annex in relation to the main dwelling could be reasonably secured by the use of a planning condition.
6. With the above points in mind I find no reason to conclude that the development should be regarded as a separate new dwelling, and consider instead that it should be treated as the annex the appellant has applied for. There is no suggestion from the Council that an annex is unacceptable in principle and, having regard to the policies drawn to my attention, I have no reason to conclude otherwise.
7. I conclude that the proposal accords with Policy DM3.7 of the South Norfolk Local Plan Development Management Policies Document 2015, which seeks to resist the creation of an independent dwelling, and the supporting justification text, which requires it to be essential that a main dwelling and annex have a close spatial relationship with shared facilities and space.

Other Matters

8. The site is located within the Bawburgh Conservation Area and I have considered the proposal against the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, the Council raises no concerns regarding the visual impact of the development. In my view the scale and design of the development proposed would be satisfactory and, bearing in mind also the extent to which it would be screened, I conclude that the character and appearance of the Conservation Area would be preserved.

Conclusion

9. For the reasons set out above I conclude that the appeal should be allowed.

Conditions

10. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty. The Council have requested a condition to restrict the occupancy of the annex in relation to the main dwelling and I consider that this meets the necessary tests and is therefore reasonable. I have, however, shortened the condition in the interests of clarity.
11. I note from the Council's delegated report that a condition relating to contaminated land was requested from the Environmental Quality Team. However, I have received no evidence to demonstrate why this is required and

therefore I have no justification for imposing this condition. In relation to the foul and surface water conditions requested by the Environmental Quality Team I note that the appeal site lies in Flood Zone 1 and the Council do not consider that the proposal would give rise to difficulties in that regard. As such I consider that these conditions are not necessary in this instance.

R Norman

INSPECTOR