



Appeal Decision

Site visit made on 11 July 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 31 July 2017

Appeal Ref: APP/M1710/W/17/3169365

59A Church Fields, Headley, Bordon GU35 8PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs James and Janice Hall against the decision of East Hampshire District Council.
 - The application Ref 31028/003, dated 9 August 2016, was refused by notice dated 14 October 2016.
 - The application sought planning permission for conversion of double garage into annex with a bathroom extension for use of the annex without complying with a condition attached to planning permission Ref 31028/002, dated 28 August 2015.
 - The condition in dispute is No 4 which states that: *The accommodation hereby permitted shall be restricted to use as ancillary accommodation to the existing dwelling at the site from which it shall not be let, sold separately, or severed thereafter.*
 - The reason given for the condition is: *It is not considered that a new dwelling would normally be permitted on the site due to site constraints except as annexe accommodation.*
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Decision

1. The appeal is allowed and planning permission is granted for conversion of double garage into annex with a bathroom extension for use of the annex at 59A Church Fields, Headley, Bordon GU35 8PE in accordance with the application Ref 31028/003 dated 14 October 2016, without compliance with condition number 4 previously imposed on planning permission Ref 31028/002 dated 28 August 2015 subject to the following condition:
 - 1) Prior to first separate occupation of 59A Church Fields a scheme is to be submitted to, and agreed in writing by, the Local Planning Authority to demonstrate that the dwelling incorporates measures that provide energy savings of no less than 10% above Building Regulations in force at the time the measures are to be installed. Before the dwelling is separately occupied a verification report and completion certificate shall be submitted in writing to the Local Planning Authority confirming that the development hereby permitted has been adapted in accordance with the approved scheme.

The developer shall nominate a competent person for the purpose of assessing and providing the above required report and certificate to confirm that the completed works incorporate such measures as to provide the required energy savings. The energy saving works set out in the above

report shall thereafter be maintained so that the required energy saving is sustained at the certified level for the lifetime of the development.

Preliminary Matter

2. I note that the annex is now owned separately from the main house.

Background and Main Issues

3. Planning permission has been granted for the conversion of a double garage into an annex with an extension for use as a bathroom for the annex. The description of development refers to the use of the building as an annex, and is subject to a condition that restricts occupation to be ancillary to the dwelling at 59 Church Fields. The intention of the application is to enable the occupation of the annex as a separate dwelling to the main house. The Council have dealt with the application on that basis and so shall I.
4. Consequently, the main issues are:
- Whether the condition is necessary to protect the character and appearance of the locality;
 - Whether the resulting dwelling would provide adequate living conditions to occupiers of the annex; and
 - The effect of the development on carbon emissions.

Reasons

Character and appearance

5. Church Fields is a residential road comprising predominantly two storey semi-detached dwellings on the edge of Headley. 59 Church Fields is located on the junction with Mill Lane, the front of the house facing the junction. The annex at no. 59A is to the rear of the dwelling, fronting Church Fields and comprises a modest single storey building attached to the rear of no. 59. Originally it was constructed as a garage with a driveway between it and the road, but the frontage now comprises parking for two cars adjacent to the pavement and an area of lawn between that and the annex itself.
6. The existing building currently appears as a modest dwelling with small front garden area divided from that of no. 59 by a wall such that there are no clear links between this and the attached dwelling. As a result, there would be no changes to the appearance of the building or site if the appeal were allowed and condition removed.
7. I note that the creation of a separate dwelling would intensify the density of development in the area and it would be a single storey dwelling in an area predominantly comprised of two storey dwellings. However, given that it is not proposed to alter the appearance of the building, neither of these issues would be noticeable. The site frontage has previously all been a concrete drive. The dwelling at no. 59 has a separate drive and the removal of much of the concrete to provide a modest grass area to the front of the annex provides a green and open appearance to the annex that reflects the appearance of surrounding front gardens.

8. For these reasons, I conclude that the removal of the condition to enable separate use of the annex as a dwelling would not affect the character and appearance of the area. As such, it would comply with Policy CP29 of the East Hampshire District Local Plan: Joint Core Strategy (CS) and the National Planning Policy Framework (the Framework) that seek exemplary standards of design with a high quality external appearance and that development should make a positive contribution to the overall appearance of the area.

Living conditions

9. The annex at 59A Church Fields is a modest building that provides a living area with small kitchen area to the side, with a large shower room and two bedrooms, one of which is very small. To the front is a modest grass area with parking beyond, but no private rear garden.
10. The limited amount of private outside space would be sufficient to provide for the needs of occupiers of the dwelling. This area fronts the road and there is a first floor window adjacent to the boundary with no. 59, such that there is some overlooking of this area. However, taking account of the size and type of dwelling, it would provide adequate outside amenity space for occupants of the proposed dwelling.
11. For these reasons, I conclude that the resulting dwelling would provide adequate living conditions to occupiers of the annex. As such, it would comply with Policy CP29 of the CS and the Framework that requires development to respect its context and help create places where people want to live.

Carbon emissions

12. Policy CP24 of the CS requires renewable energy or other means of carbon emissions reduction be provided to new residential dwellings equivalent to a minimum 10% of energy demand, along with meeting certain Code for Sustainable Homes standards. The Code for Sustainable Homes has since been withdrawn so this element of the policy can no longer be applied. However, the removal of this condition would result in the creation of an additional dwelling and no renewable energy or other means of carbon emission reduction has been proposed in this instance.
13. The Council have suggested an additional condition requiring further information be submitted that would demonstrate how carbon emissions could be reduced. I conclude that such a condition would ensure that the resulting development would comply with Policy CP24 of the CS.

Other matters

14. 59 Church Fields would lose the remainder of its rear garden should this appeal succeed. However, until recently it only provided parking to the dwelling and did not contribute toward the outside private amenity space. Such private garden area is currently adequately provided by the front garden that is enclosed by a substantial hedge from the road. A new parking area has been provided to the side of the dwelling that provides for the needs of occupants. Consequently, separate occupation of the annex would not affect the living conditions of occupiers of no. 59.

Conclusion

15. On the basis of the above considerations, I conclude that the appeal should succeed and I will issue a new planning permission without the disputed condition.

Conditions

16. In allowing the appeal and granting planning permission I have considered those conditions imposed on the original planning permission. That was subject to three other conditions confirming that the permission needed to be begun within three years of the date of permission, that materials should match those of the main dwelling and confirming the approved plans and particulars. As the development is complete and there is no suggestion that it has not been completed in accordance with those details, I do not consider that they need repeating on this permission.
17. The Council have suggested three additional conditions. Those relating to a period to implement this permission and relating to the approved plans and particulars are not necessary given the form of application. I have summarised the issues relating to the requirement for the reduction in carbon emissions above and concluded that such a condition is necessary in order to comply with relevant policies seeking to reduce the effects of climate change. I have amended the wording of the condition in the interests of clarity.

AJ Steen

INSPECTOR