

Appeal Decision

Site visit made on 31 July 2017

by John D Allan BA(Hons) BTP MRTPI

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

Decision date: 15 August 2017

Appeal Ref: APP/N1160/D/17/3175288

15 Kit Hill Crescent, Plymouth, PL5 1EW

- 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 Miss Kelly Lashbrook against the decision of Plymouth City Council.
 - The application Ref 17/00703/FUL, dated 16 March 2017, was refused by notice dated 3 May 2017.
 - The development proposed is the construction of Annexe accommodation to household in rear garden.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of Annexe accommodation to household in rear garden at 15 Kit Hill Crescent, Plymouth, PL5 1EW in accordance with the terms of the application, Ref 17/00703/FUL, dated 16 March 2017, subject to the following 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: Drg Nos AB01, AB02, AB03 and AB04.
 - 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 15 Kit Hill Crescent.

Main Issue

2. The Council accepts that the design of the proposal would be in-keeping with the area and that the materials would be appropriate. I do not disagree. The proposed building would appear as a typical garden outbuilding and would sit comfortably in its setting, to the side and rear of the main dwelling. As such, the main issue in this case is the effect of the proposal upon the living conditions of any future occupiers in terms of the size of the annexe and its relationship with 15 Kit Hill Crescent.
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Reasons

3. The Council is concerned that the proposed annexe would have the potential to become a self-contained unit of accommodation and that in those circumstances it would provide for unsatisfactory living conditions for any future occupier.
4. With a floor area of around just 18sqm, I agree that the building would provide a cramped and unsatisfactory living environment as an independent dwelling. However, the building would be provided with just a lounge/sleeping area and WC. It would have no independent cooking facilities and in addition it would share services and utilities with the main house, including access for drivers and pedestrians from Kit Hill Crescent; parking facilities; and use of the retained rear garden area. The building would be obviously subservient in scale, form and appearance to the main dwelling and overall would be clearly capable of functioning for purposes ancillary to the residential use of the main dwelling. Based on the information available to me I consider there to be every reasonable prospect that the building would be occupied in this manner. Moreover, this could reasonably be controlled by condition, as suggested by the appellant, and which would be necessary in order to prevent the creation of a sub-standard independently occupied unit of accommodation. Despite the Council's reservations, I have been given no substantive evidence to demonstrate why such a condition could not be readily enforced.
5. I am mindful of the advice for extensions for dependent relatives, as contained within the Development Guidelines Supplementary Planning Document First Review (SPD), adopted May 2013. However, the appeal proposal is for a stand-alone building rather than an extension. Although I accept that the principles of the SPD are broadly applicable, I am satisfied that, with appropriate control, the proposal would not create a self-contained unit. I therefore find no conflict with the aims and objectives of the SPD, or with Policy CS34 of the City of Plymouth Local Development Framework Core Strategy (2006- 2021), adopted in 2007, as it relates to residential amenity, or with the National Planning Policy Framework in this regard. The Council's decision notice makes reference to Policy 30 of the emerging Joint Local Plan but I have been provided with no details of this in terms of its content or progress to adoption. I have therefore attributed it no weight in this instance.

Conditions

6. In addition to the condition referred to above, a condition specifying the relevant drawings is necessary as this provides certainty. The Council has suggested a condition that would require the external materials of construction to match the existing dwelling. However, the proposal is explicitly clear that painted timber boarding and 'masterboard' is proposed, which would be appropriate given the nature of the building. No further condition is necessary.

Conclusion

7. For the reasons given, and in the absence of any other conflict with the development plan, the appeal is allowed.

John D Allan

INSPECTOR