



Appeal Decision

Site visit made on 11 July 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: 8th September 2017

Appeal Ref: APP/X1545/D/17/3176627

Gransden, Churchacre, Hall Road, Tollesbury, Essex CM9 8RT

- 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 B Lawrence against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/17/00084, dated 25 January 2017, was refused by notice dated 3 April 2017.
 - The development proposed is extension and garage conversion to form granny annex.
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Decision

1. The appeal is allowed and planning permission is granted for an extension and garage conversion to form granny annex at Gransden, Churchacre, Hall Road, Tollesbury, Essex CM9 8RT in accordance with the terms of the application, Ref HOUSE/MAL/17/00084, dated 25 January 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: MD16020.02, MD16020.03, MD16020.04, MD16020.05, MD16020.06 and MD16020.07.
 - 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 development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Gransden.

Procedural Matters

2. The application was refused due to its conflict with Policy H11 of the Maldon District Replacement Local Plan 2005 (RLP), which allowed for extensions to existing dwellings to provide for special family needs subject to certain criteria.
3. On 21 July 2017, the Secretary of State approved the Maldon District Local Development Plan 2014-2029 (LDP) subject to a number of main modifications. I wrote to the Council on 26 July 2017 seeking clarification on which policies in the LDP were relevant to this appeal. In a letter dated 4 August 2017, the Council confirmed that there is no specific policy in the LDP that directly replaces Policy H11 of the RLP. At the same time, they highlighted that the principle of the objection and reason for refusal in the decision notice are based on sound planning merit and argument. The Council has also provided a copy

of the Inspector's report on the LDP examination and the main modifications, which I have had regard to.

4. No policies from the LDP have been provided for this appeal and Policy H11 of the RLP no longer carries any weight. Therefore, I have assessed the proposal on its own merits.

Main Issue

5. The main issue is whether the proposed development would provide a separate residential unit.

Reasons

6. Gransden is a detached property located in a cul-de-sac development known as Churchacre where properties are of a similar size and design. There is a detached double garage in front of the property separated by a narrow pathway between the front and rear gardens. The garage is smaller in height and footprint than the main house and is a subservient structure in terms of its use.
7. The proposed development would involve the conversion of the garage and an extension between the house and the garage to link the two structures together. It would include all of the rooms required to be effectively self-contained and independently occupied from the main house. However, there is no reason in planning law why self-contained accommodation should consequently become a separate planning unit from the main house. Instead, it is a matter of fact and degree.
8. The development would be linked internally to the existing house via a door and so would be able to be used as part of the overall accommodation for the main house. It would share the same garden, access and parking spaces and be immediately next to the main house. The intention is for the development to be used by the appellant's parents. The occupants would form part of the main household while living independently. Thus, the development would remain subservient to the main house in terms of its use. The appellant has provided limited information on special family needs, but in the absence of Policy H11, such justification is not required.
9. There is still the potential for the building to become a separate planning unit given that it can be independently occupied. The creation of a separate unit could erode the spacious qualities of the cul-de-sac including the gardens and parking. 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 development would be sufficiently visible to detect a breach of planning condition and so it would be possible to enforce.
10. Concluding on the main issue, the proposed development would not result in the provision of a separate residential unit, particularly as such use can be prevented by the imposition of a planning condition.

Other Matters

11. While the properties in Churchacre have a similar size and design, they are not identical. Churchacre is situated within the Tollesbury Conservation Area, which contains a variety of building sizes and styles. To the north-west and south of

Gransden are the listed buildings of the village church and Tollesbury Hall respectively. They are separated from Gransden by a reasonable distance and a good amount of boundary vegetation. The development would involve limited external changes to the garage, while the extension between the garage and house would be modest in scale and design. As a consequence, there would be an acceptable effect on the character and appearance of the area, including the conservation area, and the setting of the listed buildings would be preserved.

12. The proposed dormer windows on the east elevation of the garage would look towards the front garden and elevation of Ramsholt. However, there would be an adequate gap to prevent harm to the living conditions of occupiers of Ramsholt in terms of privacy.
13. Interested parties have referred to a number of restricted covenants that apply to Churchacre, but this is a matter outside of the planning system and would need to be addressed separately. A small portion of front garden at Gransden would make way for two parking spaces, but the majority would remain. Sufficient external parking would be provided for the development as proposed without affecting access to other properties or causing visual harm. Finally, I have little evidence to indicate that the existing drainage system would be unable to cope as a result of the development.

Conditions

14. 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. A condition requiring external materials to match the existing building is necessary to safeguard the character and appearance of the area. A condition restricting the use of the development to purposes ancillary to the main house 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 National Planning Policy Framework. Both main parties have been afforded the opportunity to comment on this condition.

Conclusion

15. The proposed development would not result in the provision of a separate residential unit and it would have an acceptable effect taking into account all other matters raised. For the above reasons, I therefore conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR