
Appeal Decision

Site visit made on 18 October 2017

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

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

Decision date: 25 October 2017

Appeal Ref: APP/A3655/D/17/3181838

8 Elmtree Close, Byfleet, West Byfleet, KT14 7NN

- 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 Ms M Smook against the decision of Woking Borough Council.
 - The application Ref PLAN/2017/0473, dated 24 April 2017, was refused by notice dated 14 July 2017.
 - The development proposed is single storey rear and front extension including garage conversion.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey rear extension and front/side extension, conversion of detached garage to create detached annexe at 8 Elmtree Close, Byfleet, West Byfleet, KT14 7NN in accordance with the terms of the application Ref PLAN/2017/0473, dated 24 April 2017, and the plan submitted with it, 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 plan: 1379 01.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
 - 4) The garage conversion hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 8 Elmtree Close.

Main issues

2. The main issues are the effect of the proposal on the character and appearance of the area, its effect on the living conditions of residents and whether it makes satisfactory provision to mitigate the impact of the development on the Thames Basin Heaths Special Protection Areas.

Reasons

3. The proposal was described on the application form as *single storey rear and front extension including garage conversion*. The description was amended prior to determination of the application, with the agreement of the appellant

as follows: *erection of single storey rear extension and front/side extension, conversion of detached garage to create detached annexe*. I have determined the appeal in accordance with the latter description.

4. 8 Elmtree Close is located in a corner plot at the end of a cul-de-sac in an established residential area. It is a detached brick bungalow, typical of the other bungalows along the eastern side of the street except that it has a detached double garage rather than the linked garages of the other properties. A brick wall runs along the road frontage from the front corner of the garage to the corner of the bungalow with a single pedestrian gate next to the bungalow into the garden.
5. The following planning policies are relevant in this case. CS21 of the Woking Local Development Document Core Strategy 2012 (the Core Strategy) sets out design criteria for new development, including respect for the street scene and character of the area and the provision of a satisfactory relationship between adjoining properties. CS8 requires that proposals for new residential development which are likely to have a significant effect on the purpose and integrity of the Thames Basin Heaths Special Protection Areas (the SPA) should demonstrate that adequate mitigation measures are put in place to avoid any potential adverse effects.
6. Policy DM9 of the Woking Development Management Policies Development Plan Document 2016 (the DMPDPD) allows for free standing ancillary residential accommodation, including 'granny annexes' where they can be demonstrated to be genuinely ancillary to the occupation of the main house. They may be subject to conditions restricting their occupancy. Policy DM10 allows for housing development on garden land provided, among other things, that it does not involve the inappropriate subdivision of existing curtilages and that the frontage is in keeping with the existing street scene.
7. The Council's Supplementary Planning Document *Outlook, Amenity, Privacy and Daylight* 2008 sets out guidance for achieving these attributes in new residential developments.

Character and appearance

8. The Council has raised no objection to the proposed rear and front/side extensions and I see no reason to disagree with this as they would integrate satisfactorily with the existing bungalow and would have no adverse impact on the character and appearance of the area or on the living conditions of neighbouring residents.
9. The proposed conversion of the garage would provide a residential annexe to the main dwelling to accommodate the appellant's parents. At the time of my visit, the garage was in two main parts, with storage in the rear part and a traditional garage space fronting the road. It is approximately 7 metres from the main bungalow close to the western boundary. The proposal would create an open plan kitchen/living room, a bedroom and a bathroom. The double garage door would be replaced by a new window and cedar cladding and new bi-folding glazed doors would be inserted in the side elevation facing the bungalow.
10. I consider that the alterations would have no adverse impact on the character and appearance of the street scene. They would be domestic in scale and

appearance, there would be no increase in the size of either the footprint or the height of the existing building and the building would appear as a small scale domestic outbuilding associated with the main bungalow. In my opinion, the existing blank garage door is an unattractive feature in a prominent position as a vista-stopper at the end of the cul-de-sac and the proposed alterations to this elevation would provide a more active frontage which would make a positive contribution to the street scene.

11. I conclude that the proposal would not harm the character and appearance of the area and that in this respect it would be consistent with Core Strategy policy CS21 and DMPDPD policies DM9 and DM10.

Living conditions

12. In terms of the principle of creating a residential unit, I consider that the proposal falls within the scope of the Council's policy provision for ancillary accommodation, including 'granny annexes' rather than a new separate dwelling. The garage, although separate from the main dwelling, is close to it. It is unclear whether the existing boundary wall on the road frontage would be retained, but at the time of my visit, the only access from the road into the garage building, other than through the double door, was through the pedestrian gate in this wall into the garden.
13. The garage conversion would provide self-contained accommodation, but on the basis of the information before me, it appears that it would not meet the Government's minimum residential space standards for new dwellings for a two person unit. Its small size, location in close proximity to the bungalow and lack of scope for separate private amenity space is such that it would not be suitable as a separate dwelling.
14. Notwithstanding its limited size, the living conditions for occupiers of the converted garage would be adequate for the intended use, which is to allow more space and privacy for the parents of the appellant, who I understand share the somewhat cramped accommodation in the bungalow in order to provide child care support for the appellant. They would continue to share the garden and some of the facilities in the main dwelling. In this context, I consider that the proposal meets the aims of policy DM9 insofar as it responds to the need of the appellant's family to accommodate additional relatives, and that, subject to a condition restricting its use to one ancillary to the occupation of the main dwelling, it would be acceptable.
15. I conclude that the proposed conversion would not amount to a separate new dwelling, but would be more akin to an extension. It would provide acceptable living conditions for the occupiers of both it and the bungalow as ancillary accommodation or a 'granny annexe'. It would be consistent with Core Strategy policy CS21 and DMPDPD policies DM9 and DM10.

Thames Basin Heaths Special Protection Areas

16. Since the proposal would not constitute a separate new dwelling, I consider that it would not have a significant impact on the purpose and integrity of the SPA. I understand that the future occupiers of the conversion already live in the main bungalow, so the effect of the proposal would be equivalent to an extension to the dwelling. In this context, I conclude that mitigation measures

would not be required and the proposal is not contrary to Core Strategy policy CS8.

Other matters

17. The proposal would result in the loss of two parking spaces within the garage. The Council is satisfied that there are two spaces available on-site and that the unrestricted on-street parking in Elmtree Close is adequate to accommodate a third space without affecting existing on-street parking pressure.
18. For the reasons given above, the appeal is allowed.

Conditions

19. I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. A condition detailing the plan is necessary to ensure the development is carried out in accordance with the approved plan and for the avoidance of doubt. A condition relating to the materials is necessary in order to ensure the satisfactory appearance of the development.
20. I consider that it would be unacceptable for the garage conversion to be used as a separate dwelling in future and that it is therefore necessary to impose a condition restricting its use to one ancillary to that of the main dwelling. Although the Council did not suggest such a condition, the appellant has indicated a willingness to accept one.

PAG Metcalfe

INSPECTOR