
Appeal Decision

Site visit made on 21 November 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 12 December 2017

Appeal Ref: APP/J1535/W/17/3179683

1 Dene Road, Buckhurst Hill, Essex IG9 6BP

- 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 Vimla Ohrie against the decision of Epping Forest District Council.
 - The application Ref EPF/3130/16, dated 24 November 2016, was refused by notice dated 12 April 2017.
 - The development is extension and conversion of garage for use as a grannie flat.
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Decision

1. The appeal is allowed and planning permission is granted for extension and conversion of garage for use as a grannie flat at 1 Dene Road, Buckhurst Hill, Essex IG9 6BP in accordance with the terms of the application, Ref EPF/3130/16, dated 24 November 2016, subject to the following condition:
 - i) 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 1 Dene Road.

Procedural Matter

2. I saw that the development had been completed and so I have determined the appeal on that basis.

Main Issues

3. The main issues are the effect of the development on:
 - i) the character and appearance of the surrounding area;
 - ii) the living conditions of surrounding residents in respect of general activity, noise and disturbance, availability of on-street parking, and outlook;
 - iii) the living conditions of its occupiers in respect of internal living and garden space.

Reasons

Character and appearance

4. The development concerned relates to a fairly modest single storey extension to the previously detached garage creating a physical connection with the host dwelling, albeit accessed independently via a front facing door. However, it is

set well back into the site such that, together with its modest height, it has a subservient form in relation to the host dwelling and does not appear as a dominant feature of the site or streetscene generally. Furthermore, the front elevation is constructed in brick to compliment that of the host dwelling. Whilst other elevations include rendering, either painted white or left as sand coloured, that is not clearly visible from public vantage points and in any case provides a simple contrast to the materials of the host dwelling without significantly clashing.

5. Brickwork pointing and some of the render on the side elevation facing the rear of Rous Road properties is of a rough and an unfinished nature which is not an ideal situation. However, again it is not clearly visible from public vantage points and in any case is of a modest extent due to the fairly limited degree of exposure of the building, being only of single storey height, above the adjacent side boundary fencing.
6. Internally it has all been fitted out to form living accommodation as shown on the submitted plans, although there is no clear evidence of current occupation. Regardless of the Council's past observations of occupation as a separate unit and reports that the host dwelling has been in multiple occupancy use, I have determined the appeal on its merits. In this respect, I note that whilst the annexe could be used independently, with its separate kitchen, living area, bedroom and wc/shower room, that would be less likely due to there being no segregated rear garden area. Any fencing within the rear garden that had been previously erected has been removed with no clear evidence of such a structure remaining. Access to the garden from the annexe is also very close to rear habitable room windows of the host dwelling thereby preventing the degree of privacy that would otherwise be expected for residential occupiers of separate units. Furthermore, there is shared external access to the annexe and host dwelling via the driveway and no separate parking areas.
7. There is therefore no substantive reason why it could not be used as a granny flat annexe, ancillary to the host dwelling with a close physical relationship to it, albeit not with direct internal connection. Furthermore, despite the door positioned in the front elevation, there are no external physical features relating to the proposal which appear particularly unusual in the context of the general existing pattern and form of development in the vicinity.
8. For the above reasons, I conclude on this issue that the development does not cause unacceptable harm to the character and appearance of the surrounding area. As such, in respect of this issue, it accords with policies DBE10 and DBE11 of the Epping Forest District Local Plan (the Local Plan) which together require a residential extension to complement and, where appropriate, enhance the appearance of the streetscene and existing building; and seek to prevent any subdivision of residential properties to flats, maisonettes or some other form of multiple occupation which, amongst other things, would be likely to result in such an intensification of use which would create an undesirable precedent or detract from the character of the surrounding area. It also accords with the National Planning Policy Framework (the Framework) in respect of this issue which in paragraph 17 sets out that planning should, amongst other things, take account of the different character of different areas.

Living conditions of surrounding residents in respect of general activity, noise and disturbance, availability of on-street parking, and outlook

9. As previously referred to, the proposal could reasonably be used as an ancillary annexe as opposed to a separate planning unit comprising an un-related dwelling to the host dwelling, and it could be controlled as such through a condition. As such, it is only adding one extra bedroom to the existing dwelling, albeit along with the other elements of the accommodation. That is therefore unlikely to represent such an intensification in the use of the site as to cause any noise and disturbance from comings and goings and general use of the site that would be unexpected in this residential area. Similarly, as ancillary accommodation, it does not necessarily generate the need for significant or any additional car parking demand on the street or a material increase in traffic generation.
10. I have had regard to the visual effect of the rough and unfinished nature of the brickwork and some of the render on the side elevation facing the rear of Rous Road properties referred to previously, in terms of the outlook from those neighbouring dwellings. There is a fairly good degree of separation between the development and those neighbouring dwellings, by the length of their rear gardens. Together with the fairly limited degree of the building's exposure above the intervening boundary fencing, those aspects of the side elevation referred to do not have sufficient prominence as to cause material harm to the outlook of those neighbouring residents.
11. In terms of concerns over provision for refuse, there is no substantive evidence of the development generating a material increase in refuse or litter, or of any under-provision of storage provision for the site as a whole. I have also had regard to concerns raised about exposed drainage pipes, visible on the side of the host dwelling adjacent to the driveway. However, it is unclear as to the extent to which these are directly related to the appeal development but in any case they are not unusual features relating to a dwelling, and are not dominant features of the property.
12. For the above reasons, subject to a condition to ensure it remains ancillary to the host dwelling, I conclude on this issue that the development does not, and would be unlikely to, cause unacceptable harm to the living conditions of surrounding residents in respect of general activity, noise and disturbance, availability of on-street parking, and outlook. As such, in respect of this issue, it accords with policies DBE9 and DBE11 of the Local Plan which together require that a change or intensification of use, extension or new development does not, amongst other things, result in an excessive loss of amenity for neighbouring properties. It also accords with the Framework in respect of this issue which in paragraph 17 sets out that planning should, amongst other things, always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Living conditions of its occupiers in respect of internal living and garden space

13. I have had regard to the Written Ministerial Statement of 25 March 2015 (the WMS) which sets out that existing Local Plan policies relating to internal space should be interpreted by reference to the nearest equivalent new national technical standard.

14. The Council raises concern that the development fails to meet the Government's National Described Space Standards. However, these are optional standards over and above the minimum required under Building Regulations and the WMS makes it clear that such standards can only be applied where there is a relevant current local plan policy. Based on the submitted evidence the Council does not have any development plan policy referring to any such specific standards.
15. Furthermore, if used as an annexe then the development would not represent a new separate dwelling. In any case, despite the overall internal gross floor area being fairly small, the bedroom if used by a single person would be of an adequate size, referred to by the Council as being of around 8 square metres floor area. It also has a window providing light and a degree of outlook to the rear garden.
16. The kitchen and living room areas are small but as they are combined into a single space this prevents a sense of being cramped, again particularly if occupied only by a single person. Furthermore, that space has natural light provided via a window and partially glazed side door providing access to the shared garden area. That garden area is also not segregated and so provides an open area of shared space with the host dwelling.
17. For the above reasons, I conclude on this issue that the development provides adequate living conditions for its occupiers in respect of internal living and garden space. As such it accords with the Framework in respect of this issue which in paragraph 17 sets out that planning should, amongst other things, always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matter

18. Concern has been raised in the submissions about the building being structurally unsafe. However, no substantive evidence has been submitted in support of that claim and in any case, it is likely that such a matter would be the subject of separate Building Regulations.

Conditions

19. The Council has suggested four conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government's Planning Practice Guidance and amended the wording of one and omitted three.
20. In the interests of maintaining acceptable living conditions of surrounding residents, particularly relating to general activity, noise and disturbance and availability of on-street parking, and the provision of adequate private external amenity space for residents of the site as a whole, it would be necessary to ensure that the development is not occupied in perpetuity other than for purposes ancillary to the residential use of the host dwelling. The appellant has raised no objections to the principle of such a condition as suggested and set out in the Council's submissions.
21. A condition to ensure the development is retained in accordance with the submitted plans is unnecessary as any variations that would require separate planning permission would be under the control of the Council. Furthermore, a condition to prevent the subdivision of the rear garden area would be

unnecessary and unreasonable given the control provided by the condition to secure the development's ancillary occupation. I have also found that the aspects of the finish of the side elevation facing Rous Road properties of a rough and an unfinished nature are not materially harmful in terms of the character and appearance of the surrounding area or the outlook of those neighbouring residents. A condition to secure details of a uniform finish to that elevation would therefore be unreasonable and unnecessary.

Conclusion

22. The Council, in its decision notice also raises the concern about an undesirable precedent being set. However, I have determined the appeal on its own merits based on the evidence before me. Any future proposals for development elsewhere would be determined on that same basis.
23. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR