
Appeal Decision

Site visit made on 5 December 2017

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

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

Decision date: 12 January 2018

Appeal Ref: APP/V3310/W/17/3178928

Meadow View, Mark Road, Watchfield, Highbridge TA9 4RB

- 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 M Bucknell against the decision of Sedgemoor District Council.
 - The application Ref 12/16/00029, dated 22 December 2016, was refused by notice dated 6 June 2017.
 - The development proposed is conversion of existing workshop to granny annex.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing workshop to granny annex at Meadow View, Mark Road, Watchfield TA9 4RB in accordance with the terms of the application, Ref 12/16/00029, dated 22 December 2016, 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: Proposed Elevation drawing 001; Proposed Plan 003; Section AA drawing 005.
 - 3) The converted accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Meadow View, Mark Road, Watchfield.

Preliminary Matters

2. It was evident from my site visit that there have been recent alterations to the building which is the subject of this appeal. The elevations and extent of the building shown on the submitted 'existing' and 'proposed' drawings 004 and 001 respectively do not accord with what I observed during my visit to the site. For the avoidance of doubt, I have determined the appeal on the basis of the following drawings; Site Location Plan; Proposed Elevations drawing 001 and Proposed Plan drawing 003; Existing 004; and Section AA drawing 005.
3. The appeal property, now known as Meadow View, is shown on the site location plan as "Chris Jean".

Background and Main Issues

4. The appeal proposal relates to the conversion of an existing building which is detached from and at the rear of the dwelling known as Meadow View. Whilst

the floor plans of the proposal show that the accommodation would contain the necessary facilities for self contained living, the proposal seeks permission for an annex and not a new, independent dwelling. On this basis, I consider the **main issue** to be the effect of the proposed development on the living conditions for occupiers of the existing dwelling, Meadow View.

Reasons

5. Meadow View forms the end property in a linear group of dwellings alongside Mark Road, Watchfield. The detached dwelling although single storey in height incorporates accommodation in the steeply pitched roof. To the rear of the house is a building which is, in appearance, akin to a domestic garage but shown on the site plan as a store/workshop. Behind this is a single storey building which is the subject of this appeal and which is partly flat roofed and partly pitch roofed.
6. The appeal building is stated by the appellant to have been previously used in connection with an electrical business, although no evidence is submitted to support this. The only access into the appeal site is the gated access into Meadow View from the B3139, Mark Road. This access runs immediately alongside the north east elevation of Meadow View. To the north west of the appeal building and shown as being part of the overall site is a grassed area separated from the existing buildings by a post and rail fence.
7. The proposal seeks permission to convert the existing building to an annex. The plans show external alterations would be limited to changes to fenestration, a rendered finish and slates to the roof. The floor plan proposals show a combined kitchen, living and dining area, two separate bedrooms and a small bathroom.
8. Pedestrian and vehicular access to the appeal building, as with the existing vehicular access serving Meadow View, would pass directly outside the three ground floor windows of Meadow View. The proximity of the rear elevation of Meadow View to the entrance elevation of the proposed annex and the overall arrangement of the area between the two means that there would be mutual overlooking between the building and the annex. However as the annex would be occupied in conjunction with the main house the additional disturbance from use of the access would not be disruptive, nor would there be any harmful loss of privacy.
9. Due to the nature of the accommodation to be provided and its physical separation from the dwelling, the Council considers the proposal would be tantamount to the provision of a new dwelling and have assessed it on this basis. Nevertheless the appellant has made clear that the proposal is for an annex and not for an independent dwelling. I recognise that a grant of planning permission could result in pressure for the building to be used as a separate dwelling at some point in the future. However, I am satisfied that a condition can ensure the occupation of the unit remains ancillary. Such a condition is capable of being enforced and I see no reason why the Council should not be able to investigate and take any action it considered necessary on any breach of the condition. As such I consider the appeal should be determined on the basis that the proposed accommodation would be ancillary to the main dwelling.

10. Although the Council's second reason for refusal on the decision notice refers to Core Strategy¹ Policy D12, their evidence refers to Core Strategy Policy D16. I find that the proposals would not conflict with Policy D16 to the extent that this policy relates to protecting residential amenity including, amongst other matters, protection from overlooking and disturbance.
11. Policy D13 of the Proposed Submission Local Plan² is specific to residential annexes and includes a number of criteria which, if met, would result in support for such accommodation. The emerging Local Plan has yet to be found 'sound'. I am not told the extent to which there are objections to Policy D13. Consequently, I give only limited weight to the policy.
12. Nevertheless I have considered the proposals against policy D13 of the emerging local plan and find that it meets most of its criteria. The requirement for a genuine need for the accommodation is demonstrated to the extent that the appellant's address is Meadow View and the appellant states the annex would allow a local family to reside together. The scale of the annex would be less than that of the main dwelling. Its form and detached nature are a result of the annex being a conversion of an existing detached building rather than an extension which is normally expected. The proposed alterations are sympathetic to the main dwelling. No boundary demarcation or subdivision of garden areas is shown on the proposed plans, parking would be provided and, as already noted, vehicular access would be shared.
13. As I have assessed and determined the proposals for an annex and not for an independent dwelling, it is not necessary for me to address the Core Strategy policies relating to the spatial strategy, sustainable development and development in the countryside which are referred to in the Council's first reason for refusal.

Conclusion

14. For the reasons given above and having taken into account all matters raised, I conclude the appeal should be allowed.

J E Tempest

INSPECTOR

¹ Sedgemoor Core Strategy 2006 – 2027 Adopted 12 October 2011

² Sedgemoor District Council 2017: proposed Submission Local Plan 2011- 2032