



Appeal Decision

Site visit made on 2 July 2019

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2019

Appeal Ref: APP/J0405/D/19/3224768
68 The Avenue, Worminghall HP18 9LE

- 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 and Mrs M Hodges against the decision of Aylesbury Vale District Council.
 - The application Ref 18/04221/APP, dated 23 November 2018, was refused by notice dated 28 February 2019.
 - The development proposed is described as: - "annex to side of existing detached dwelling. New roof with catslide dormer to rear, increasing sustainability through insulation to new roof. Internal alterations to include increased insulation and new windows/doors".
-

Decision

1. The appeal is allowed, and planning permission is granted for an annex to side to replace garage and new windows/doors at 68 The Avenue, Worminghall HP18 9LE, in accordance with the terms of the application, 18/04221/APP, dated 23 November 2018, subject to the following conditions: -
 1. The development hereby permitted shall begin no later than 3 years from the date of the decision.
 2. The development hereby permitted shall not be carried out other than in complete accordance with the approved plans: A2 2009, A1 1011, A4 4010 and A1 1010 B.
 3. 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 68 The Avenue, Worminghall.
 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no first floor windows other than that expressly authorised by this permission shall be constructed on the north-west elevation of the annex.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided

written confirmation that a revised description of development has been agreed, although I note that the details of the scheme were amended during the application process. For clarity I have used the description on the decision notice and the appeal form which I consider appropriately describes the development.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The property forms part of a private cul de sac off The Avenue which has a spacious and verdant character with properties set back from the road. No 68 The Avenue is a detached chalet style property with a wide frontage including a linked pitched roof garage to the side. Whilst some of the neighbouring properties are of a similar design and form there are a range of dwelling types in the street and locality.
5. The existing garage would be replaced by an extension to form an annex. It would align with the front building line and have a small projection to the rear but would be no closer to the neighbouring property, No.66, than the existing garage. Given this, and the limited increase in height I do not find the development would significantly widen the frontage.
6. The design and the materials would match the existing property. The annex would continue the ridge line of the main house with the gable ends to the front and rear slightly set down. Whilst I note that the Council's Design Guide – *Residential Extensions* suggests that a ridge line which is set lower than that of the original will generally be preferred, this is not a requirement and it is noted that the guidance is aimed at dissuading home extenders from large additions which will destroy the composition of existing buildings.
7. The front gable would be a prominent feature, although I do not find that it would be incongruous to the existing property which exhibits gable features, albeit smaller in the form of the dormer windows and the proposed porch canopy. Furthermore, I observed a range of front gable projections and features on other properties in the vicinity. The development is proportionate to the existing dwelling and overall the resultant form would sit comfortably within the plot.
8. The Council indicate that the annex would be tantamount to a new separate dwelling. The proposed annex does include a kitchen, dining area, bedroom, office and bathroom over two floors with its own set of stairs and front door. However, there is access between the annex and main house on the ground floor, which would allow for interconnectivity between the two, and as suggested by the appellant would facilitate care to elderly parents.
9. The Local Plan¹ identifies a "granny annexe" as a self-contained unit of accommodation associated with the main dwelling either attached or detached. Furthermore, a condition can be imposed as noted in the Local Plan to require the use of the annex for purposes ancillary to the main dwelling. I acknowledge the Council's concern regarding the effectiveness of such a condition and that

¹ Aylesbury Vale District Local Plan (adopted 2004)

the internal connection could be blocked up. However, the development being sought under this householder application is for an annex and whilst breaches may be difficult to detect, it is possible to enforce such a condition.

10. Additionally, other than the scale of the development, which I have found acceptable, the Council have not identified any specific harm arising from the additional accommodation. The plot is not to be subdivided and the extra parking originally proposed has been omitted on the amended plans. I find that the development would accord with the requirements of Local Plan policy GP.9 in terms of outlook, access to natural light and privacy for people who live nearby and respect the appearance of the dwelling and its setting.
11. I therefore conclude that the proposed annex would not unduly harm the character or appearance of the area and with the imposition of a condition it would not be tantamount to the erection of a new dwelling. There would be no breach of Local Plan policies GP.9 and GP.35 or Worninghall Neighbourhood Plan policy RC1 which seeks development which is appropriate to the surroundings.

Conditions and Conclusion

12. I have attached the standard timeframe condition, and for clarity a condition requiring development to be undertaken in accordance with the approved plans. Additionally, as already noted a condition is necessary to ensure that the annex is ancillary to the use of the main house.
13. The Council have suggested a condition restricting windows in the side elevation and given the close proximity to the boundary I agree that such a condition is reasonable.
14. For the reason set out above I conclude that the appeal should be allowed, and planning permission granted.

G Ellis

INSPECTOR