



Appeal Decision

Site visit made on 30 July 2019

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Appeal Ref: APP/L1765/W/19/3228487

Orchard Gate, Lordswood, Highbridge SO50 6HR

- 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 Williams against the decision of Winchester City Council.
 - The application Ref 18/02332/HOU, dated 5 October 2018, was refused by notice dated 19 February 2019.
 - The development proposed is the use of existing detached outbuilding as 'granny' annexe for family accommodation ancillary to the main dwelling (retrospective).
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Decision

1. The appeal is allowed. Planning permission is granted for the use of existing detached outbuilding as a 'granny' annexe for family accommodation ancillary to the main dwelling (retrospective) at Orchard Gate, Lordswood, Highbridge SO50 6HR, dated 5 October 2018, and the plans submitted with it, subject to the following condition:
 - 1) The granny annexe shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Orchard Gate.

Application for costs

2. An application for costs was made by Mr and Mrs Williams against Winchester City Council. This application is the subject of a separate Decision.

Procedural Matter

3. The granny annexe is already in use and the internal room alterations as shown on the submitted plan [Drawing No 02, Revision B] have been carried out. Therefore, I have determined the appeal on the basis that the appellant is seeking permission for what is now in place.

Main Issue

4. The main issue is whether the proposal would constitute a separate unit of residential accommodation in the open countryside and thereby harmful to the pattern of development expected by local development plan policy.

Reasons

5. The appeal building is a detached brick and timber clad structure positioned in close proximity to the existing dwelling at Orchard Gate and separated by a gravel forecourt area. Orchard Gate is accessed off a single-track lane, and the appeal building shares the same gated access point. The appeal site is located

outside of a recognised settlement and is classed as open countryside, where Policy MTRA4 of the Winchester District Local Plan Part 1- Joint Core Strategy (2013) limits the development of new dwellings to affordable housing and that required in connection with agricultural and related rural enterprises.

6. In its statement of case, the Council expresses concern that the granny annexe with its two living rooms, two toilets, a utility room and art room is above and beyond a basic level of accommodation and is in fact a self-contained independent dwelling within the Countryside. However, I consider the level of accommodation within the annexe, although generous for some rooms, is commensurate to the needs of a single occupier. For instance, the kitchen and bathroom are modest in size and may not fulfil the needs of multiple residents. Besides, I have not been presented with any space standards by the Council for this type of accommodation. Concerns regarding the size of the annexe are noted, but the Council approved the building in its current size and footprint, albeit with a different arrangement of rooms. Furthermore, the application submitted is clear that the granny annexe is ancillary to the main dwelling and it was submitted to the Council as a householder development, not a new dwelling. The Council validated the application on this basis.
7. The granny annexe provides accommodation for the mother of one of the appellants who provides support for the family through functions such as childcare, cooking and shopping. I acknowledge that these functions could be carried out by living in the main dwelling, however, it is not unreasonable to allow a member of the family to live in separate accommodation detached from, but in close proximity to, the dwelling, to allow a degree of privacy and independence.
8. A proposal could be made to use the granny annexe building as a separate residential dwelling in the future, but if this appeal were allowed a planning condition can be applied to prevent the creation of an additional dwelling. This condition is capable of being enforced in this instance because there is no obvious reason why the Council should not be able to investigate and take any action with regard to any alleged breach of the condition.
9. The annexe building has a close physical relationship with the main dwelling, whilst space around the two buildings is unrestricted by any physical boundaries that would prevent shared use and movement around and between them. In addition to the joint access, driveway and forecourt area, the appellant has confirmed, amongst other elements, that there is no separate utility meter, address or post box. However, the Council considers that it is possible for dwellings to share these elements and forming into separate dwellings. Whilst this could be a possibility, the appellants have not indicated such an intention, moreover the planning condition referred to above, and similarly proposed by the appellants, would enforce against this likelihood. All of these matters point to the ancillary nature of the granny annexe, and for these reasons, I do not regard the appeal building as being tantamount to a new dwelling.
10. I conclude that the granny annexe would not constitute a separate unit of residential accommodation in the open countryside. It would therefore not be contrary to Policy DS1 and MTRA4 of the Winchester District Local Plan Part 1- Joint Core Strategy (2013) and Policy DM1 of the Winchester District Local Plan Part 2 - Development Management and Site Allocations Development Plan

Document (2017), which amongst other things, seeks to permit development within defined settlements and growth areas and development which has an operational need for a countryside location such as agriculture and forestry.

Other Matters

11. Concerns raised by local interested parties in relation to precedent for similar developments are noted, as well as the precedent of a similar proposal that was refused by the Council. However, no detailed information relating to these similar and comparable sites to which this might apply were put forward. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case. Regarding concerns over the building's appearance, my understanding from the evidence submitted is that the appeal relates to internal work carried out with only minor external alterations to windows to the exterior of an existing building, therefore I do not consider that there is significant harm caused to the character and appearance of the area. The minor alteration carried out to windows has not convinced me that the proposal would result in any harmful impact in terms of light pollution on neighbouring occupiers.
12. I am drawn to the previously approved outbuilding and that the granny annexe does not fully accord in aspects of its detailing with the approved plans relating to this development. However, I have not been presented with all the details relating to this case and therefore I have not attached weight to this.
13. Reference is made to recent appeal decisions involving proposals for annexes elsewhere. From the limited information provided, none appear to reflect the particular circumstances of this case. In the absence of full background details, I am unable to attach significant weight to these decisions either for or against the appeal scheme. In any event, each proposal should be considered on its own merits, as I have done in this instance.
14. These other matters do not, therefore, lead me to a different decision.

Conditions

15. The Council and the appellants have both suggested a condition requiring that the annexe is only occupied for purposes ancillary to the residential use of Orchard Gate. I consider this is necessary to ensure that the accommodation is not used as a separate unit of accommodation, in a location where dwellings would not normally be permitted. There is no requirement for a plans condition as I was satisfied that the submitted plans matched the internal lay-out of the granny annexe.

Conclusion

16. For the reasons given above, the appeal is allowed subject to the condition identified.

R. E. Jones

INSPECTOR