
Appeal Decision

Site visit made on 23 September 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th October 2019

Appeal Ref: APP/P0240/D/19/3232538

1 East View, Witts End, Eversholt

- 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 Sibley against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/00228/FULL, dated 21 January 2019, was refused by notice dated 8 May 2019.
 - The development proposed is the conversion and alterations to garage with dormer windows to form ancillary accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion and alterations to garage with dormer windows to form ancillary accommodation at 1 East View, Witts End, Eversholt in accordance with the terms of the application, Ref CB/19/00228/FULL, dated 21 January 2019, 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 drawings: SE 3210 and SE3210/1A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 1 East View, Witts End, Eversholt.

Procedural Matter

2. The Council's decision notice does not contain a reference number for the planning application. I have used the application reference number as set out on the appeal form and the Planning Officer Delegated Report.

Main Issue

3. The main issue is whether the proposal is inappropriate development in the Green Belt, having regard to the Framework and any relevant development plan policies.

Reasons

4. The appeal site is on a separate parcel of land to the host dwelling, 1 East View, with them being divided by 2 East View. Access to the site is via a vehicular access directly off the adjacent lane. The site comprises a large, double garage with loft space. To the front of the garage is a large area of hardstanding and a lawned area.
5. The Council's second reason for refusal contends that the proposal is tantamount to a new dwelling. However, the planning application was on a 'Householder' form and the proposal clearly described as 'ancillary accommodation'. Also, the relevant fee for a householder application was paid to the Council. The drawings submitted with the application indicate one half of the ground floor as a living area and bathroom with the other half remaining as a garage. The upper floor would contain a bedroom. In the absence of a kitchen, the appellant's son, who would use the accommodation, would rely on cooking facilities within the host dwelling, therefore providing a link between the two buildings.
6. I have had regard to the Central Bedfordshire Design Guide (CBDG) 2014 which provides guidance on annexe accommodation. However, this appears to be with regard to purpose-built extensions for annexe accommodation, rather than conversions. The proposal would utilise an existing building associated with the host dwelling, albeit on a separate parcel of land.
7. Based on the evidence before me and the observations I made on site, I am satisfied that the proposal would be for ancillary accommodation and would not be tantamount to a new dwelling. Therefore, I need not consider the merits of the proposal as a dwelling and the subsequent effect it would have on the Green Belt. Were the proposal to subsequently be used as a separate dwelling to 1 East View then this would require planning permission in itself and it would be open to the Council to consider any necessary action.
8. The proposed external alterations to the building would include two dormer windows on the rear elevation; the substitution of one of the garage doors for a front door with side windows; and, the installation of a small bathroom window and a high level window serving the living area.
9. Paragraph 145 of the National Planning Policy Framework (the Framework) identifies a number of exceptions to the general presumption against the erection of buildings in the Green Belt. These include 'the extension or alteration of a building provided that it does not result in disproportionate additions above the size of the original building'.
10. The Council contends that the proposed alterations would result in an increase of 91% of the existing floor area. However, there would not be any increase in the floor area of the existing garage. The only increase in volume would be the small increase created by the dormer windows. It is not explicitly clear where the Council have taken the figure of 91% from, although they refer to 'past alterations to the garage'. Planning permission was granted in 1983¹ for the erection of a detached garage. In 2014, planning permission was granted for a new detached garage on the site of existing garage and car port². Based on the planning history of the site, the existing garage was the subject of the

¹ Council Ref MB/82/0746B/FULL

² Council Ref CB/14/03684/FULL

2014 permission and replaced a previous garage. This was not an alteration to a building but the erection of a new building. Therefore, providing there have been no alterations to it, despite any previous buildings on the site, the existing garage constitutes an 'original building' from when it was completed in accordance with the 2014 permission.

11. In light of the above, given the small-scale nature of the proposed alterations, I do not consider that they amount to disproportionate additions above the original building. Accordingly, the proposal would not be inappropriate development in the Green Belt. As such, it would comply with Policies DM3 of the Central Bedfordshire Core Strategy and Development Management Policies North (CS) 2009, which, amongst other things, seek to ensure high quality development. It would also comply with the CBDG, which states that in order to be considered as proportionate the original building should not be added to by more than 60%. Moreover, it would accord with the design and Green Belt objectives of the Framework.
12. The Council's decision notice refers to Policies DM4 and DM6 of the CS. As the proposal is not for a new dwelling or infill development I do not consider that these policies are relevant.

Conditions

13. I have considered the conditions suggested by the Council having regard to the six tests set out in the Framework.
14. For the avoidance of doubt, it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
15. In the interests of the character and appearance of the area, a condition is necessary regarding the materials to be used.
16. For the avoidance of doubt and to ensure that the building is only used ancillary to the host dwelling, a condition is necessary securing as such.

Conclusion

17. For the reasons given above, the appeal is allowed.

Alexander Walker

INSPECTOR