
Appeal Decision

Site visit made on 29 October 2019

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2019

Appeal Ref: APP/L2250/D/19/3233826

11 Merritt Road, Greatstone, New Romney, Kent

- 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 Reynolds against the decision of Folkestone and Hythe District Council.
 - The application Ref Y19/0557/FH, dated 3 May 2019, was refused by notice dated 2 July 2019.
 - The development proposed is an annexe.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (a) the effect of the proposed development on the character and appearance of the host building and the surrounding area; and (b) whether or not the proposed annexe would cause harm to the implementation of strategy to control residential annexes.

Reasons

Character and appearance

3. The appeal site is a detached dormer bungalow, constructed with brick walls and tiled roof, in a predominantly residential locality. The area is characterised by a wide variety of housing, including single-storey, two-storey and dormer bungalows. The proposal would introduce a detached dormer building, set slightly back from the existing building frontage. Whilst the proposed dormers would be gabled instead of hipped, the design of the proposal as a whole responds appropriately to the host dwelling, in terms of scale, proportions and detailing. Furthermore, the proposed materials would match that of the existing house. When viewed in the overall streetscene, the development would read as part of the existing varied range of detached residential buildings.
4. Therefore I conclude that the proposed development would not have an adverse effect on the character and appearance of the host building and the surrounding area. Accordingly, the proposal would not conflict with policy BE8 of the Shepway District Local Plan Review (2006)(SDLPR), insofar as it may be relevant to detached residential outbuildings, or with emerging policy HB8 of the Shepway District Council Places and Policies Local Plan (PPLP) which is not substantially different to policy BE8. Together these policies require alterations

and extensions to reflect the design of the original building and not detrimentally impact upon the streetscene.

Residential annexe

5. The appellants have indicated the annexe is required to allow them to be cared for as they get older by their family who would live in the host dwelling, a situation which Council policy is sympathetic to. In taking this approach, saved policy HO13 of the SDLPR aims to prevent redundancy of the annexe when no longer required and to avoid any subsequent pressure for it to become a separate dwelling. Specific criteria set out the circumstances in which such proposals would be supported. However, the proposal would fail criteria (a) and (b) which require that annexes should normally be attached and capable of reverting to part of the main dwelling when its need ceases.
6. The appellants seek privacy and space from their family, however I find that this justification is not persuasive when familial care is necessary. That space is available for a detached annexe does not in itself justify it, nor does risk of flooding or the size of the back-garden. Despite there being no conflict with the remaining relevant criteria of policy HO13, my observations on site were that that the scale and design of the proposal is such that, when viewed by the casual observer, it would read visually as being a small dwelling, rather than an annexe. Notwithstanding my above findings on character and appearance, the ancillary dependency of the proposed building to the host dwelling is not clear, in visual terms, thereby harming the above policy requirements.
7. The lack of overshadowing to neighbouring properties is not determinative to the appeal, neither is the lack of impact of occupiers of neighbouring properties. Whilst other annexes may exist elsewhere on Merritt Road, I have not been provided with details of these and, in any case, I must determine the appeal on its merits.
8. The above policy is intended to be replaced by policy HB9 of the PPLP, which was submitted for examination in September 2018. However, as I have no evidence before me in respect of the level or significance of objections to this policy, little weight is given to it. Nonetheless, whilst the wording of policy HB9 is more detailed and prescriptive than policy HO13, its main thrust remains to carefully control detached annexes, and it does not alter my findings on this matter. Consequently, I conclude that the separation of the proposed annexe from the host dwelling would cause harm to the implementation of strategy to control residential annexes, such that the proposal would be contrary to saved policy HO13 of the SDLPR, and with emerging policy HB9 of the PPLP.

Conclusion

9. I have found that the proposed development would not have a harmful effect on the character and appearance of the area. However, this is outweighed by the harm caused by the proposal to the Council's strategy to control residential annexes. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Hanna

INSPECTOR