
Appeal Decision

Site visit made on 15 October 2019

by Rajeevan Satheesan BSc PGCert MSc Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2019

Appeal Ref: APP/C1570/D/19/3234134

Bleak House, Feathers Hill, Hatfield Broad Oak CM22 7HA

- 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 Kevin Beadle against the decision of Uttlesford District Council.
 - The application Ref UTT/19/0556/HHF, dated 11 March 2019, was refused by notice dated 6 June 2019.
 - The development proposed is the erection of a single storey detached annex building.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a single storey detached annex building at Bleak House, Feathers Hill, Hatfield Broad Oak CM22 7HA in accordance with the terms of the application, Ref UTT/19/0556/HHF, dated 11 March 2019, subject to the conditions set out on the attached schedule.

Procedural Matters

2. The Regulation 19 (22) Uttlesford Local Plan has been submitted but has yet to be examined and found sound. Therefore, it attracts limited weight as a material consideration.
3. A pre-commencement condition has been recommended and the appellant has been afforded the opportunity to comment on this and has confirmed that they accept this condition.

Main Issues

4. The main issues are:
 - whether the proposal would constitute a separate unit of residential accommodation, rather than an ancillary accommodation; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Use of the Accommodation

5. The Council consider that the proposed annex could operate as a separate dwelling. Caselaw has established that even if the accommodation provided

facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling. Instead it would be a matter of fact and degree.

6. In support of the current proposal, a letter has been submitted by the appellant's father, which outlines the special reasons for the annex. This states that the proposed annexe would be occupied by the appellant's elderly parents, and sister who is disabled and also in need of care. The annex would allow the extended family to live together and for the appellant to provide support and care for their parents and sister on a daily basis (together with visiting carers as required). It is further stated and shown on the proposed plans that the occupants of both the main house and the annexe would share the garden area and also the parking/access arrangements. The building has been designed to enable wheelchair accessibility throughout.
7. The building would be physically related to and lies within a common domestic curtilage of Bleak House. As such, based on all the evidence before me, I am satisfied that the proposed annex would be occupied as an ancillary part of the main house and not as a separate dwelling. This would be secured by an appropriately worded condition.

Character and appearance

8. Bleak House is a detached two-storey dwelling and forms part of a small cluster of dwellings in the open countryside to the west of Hatfield Broad Oak. The existing dwelling is situated in the centre on the plot, with a front, side and rear garden. A hedge lines the boundary of the site adjacent to the road. A picket fence also provides a clear boundary between the appeal site and the adjacent residential properties to the side and rear of Bleak House. From the road, the proposed location of the annex appears part of the domestic surroundings of Bleak House and part of the cluster of small houses, rather than as part of the open countryside beyond the site boundaries of these residential properties.
9. The appeal site is considered to be within the countryside where Policy S7 of the Uttlesford Local Plan 2005 ('the Local Plan') applies. The policy seeks to protect the countryside for its own sake by restricting development to that which needs to take place there or is appropriate to a rural area. Paragraph 6.14 of the Local Plan notes that sensitive infilling of small gaps within small groups of houses outside development limits but close to settlements will be acceptable subject to the development being compatible with the character of the surroundings and having a limited impact on the countryside in the context of existing development.
10. The modest height of the development would ensure that Bleak House remains the dominant building fronting the road and sufficient amount of garden would remain for the main dwelling and annex building. Given the location of the development adjacent to the main dwelling of Bleak House and the residential properties and gardens of Copperfields and Forest Hill Lodge, the proposal would comprise limited 'infill' development within this small group of houses outside development limit but close to settlement of Hatfield Broad Oak.
11. The proposal would appear as a subservient single storey building, viewed against the back drop of other single and two storey dwellings. The design and limited height of the development would be acceptable in the context of the

variety of building sizes and designs in the locality, and the position of the building within the spacious side garden would be in keeping with the character and appearance of the area. The development would be satisfactorily accommodated without any significant harm character and appearance of the countryside.

12. I therefore conclude that the proposed development would not result in harm to the character and appearance of the area. In this respect the proposal is in accordance with Policy S7 of the Local Plan in so far as it protects the character of the part of the countryside with it which it is set. The proposal would also conform with Policy SP 10 of the Regulation 19 Uttlesford Local Plan which states that the Countryside will be protected for its intrinsic character and beauty. However, for reasons set out earlier in this decision, I attach limited weight to this emerging policy. It would also meet the aims of paragraph 170 of the Framework, which recognises the intrinsic character and beauty of the countryside.

Other Matters

13. Third parties have raised a range of further concerns that the annex could be converted in the future to a separate dwelling house, that the previously approved extension would better accommodate the proposed occupants, that the family health needs existed when the property was purchased and an alternative property should be considered, that the development would result in loss of outlook and views, the countryside location of the development would not be suitable for the proposed occupants, and that proposal would increase traffic and highway safety concerns.
14. With regards to the need and use of the building, a condition has been attached to this permission to restrict the use of the property to an annex. Any changes to a separate dwelling would be subject to a further planning application. For the reasons set out earlier in this decision, I am satisfied that it has been satisfactorily demonstrated that the building would be used as an annex and would not cause harm to the character and appearance of the countryside.
15. With regards to traffic and highway safety concerns, given that the development relates to an ancillary annex building only, I do not consider that the development would cause any significant increase in traffic, or harm to highway or pedestrian safety concerns. With regards to the living conditions of neighbouring occupiers, due to the position of the annex, the modest height of the development and the distance away from the neighbouring properties and windows I agree with the Council that the development would not result in any harm to the living conditions of neighbouring occupiers in terms of loss of light, outlook or privacy. Furthermore, loss of private views is not a planning consideration.
16. In terms of the accessibility of the site for future occupants, the annex would allow the family to live together and provide care for family members, rather than having to reside in separate residential care facilities elsewhere, thereby avoiding the appellant travelling further afield to visit and care for family members. The building is located relatively close to settlement of Hatfield Broad Oak. As such, none of these concerns alter my findings in respect of this appeal.

Conditions

17. The council has suggested one condition which I have assessed having regard to the advice contained within the Planning Practice Guidance. Apart from the usual time limitations, a condition specifying the approved drawings is necessary to provide certainty. A condition is also attached stating that the building shall only be used in connection with the main building and shall not form a separate dwelling. Conditions are imposed to require details of the materials to be used, as well as hard and soft landscaping are required in the interest of character and appearance of the area.

Conclusion

18. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

R Satheesan

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development, hereby permitted, shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, D180405/1 A.
3. No development shall be carried out until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - proposed finished levels or contours
 - means of enclosure
 - car parking layouts
 - other vehicle and pedestrian access and circulation areas
 - hard surfacing materials - minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
 - Details of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities.

All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed. Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The hard and soft landscaping works shall be carried out prior to the occupation of the development and permanently retained as such thereafter.

4. No development shall be carried out above slab level until full details, including samples, of the external facing materials to be used on the approved building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
5. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Bleak House, Feathers Hill, Hatfield Broad Oak CM22 7HA, and shall not be used as a separate dwelling.