
Appeal Decision

Site visit made on 5 November 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2019

Appeal Ref: APP/U3935/D/19/3236096

45 Beechcroft Road, Swindon SN2 7RD

- 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 Cole against the decision of Swindon Borough Council.
 - The application Ref S/HOU/19/0998/CHHO, dated 19 June 2019, was refused by notice dated 16 August 2019.
 - The development proposed is to convert existing garage to annex.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development in the banner heading above from the application form. While different to that given on the appeal form and decision notice, I have not been provided with confirmation that any change has been agreed.

Main Issues

3. The main issues of the appeal are;
 - whether the proposal would provide appropriate living conditions for the future occupiers of the proposed annex, with particular regard to outlook, sunlight and daylight;
 - whether the proposal would constitute a separate residential unit or a residential annex to the existing dwelling;
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the living conditions of the occupiers of nearby properties, with particular regard to noise, disturbance and overlooking.

Reasons

Living conditions of future occupiers

4. Each bedroom would have a window on the side elevation of the building. Notwithstanding this, one of the windows would be located in close proximity to the boundary treatment. The small separation distance and height of the

boundary treatment would severely limit the outlook from that room. It would also restrict the daylight and sunlight that could reach the room. There has been no compelling evidence presented to lead me to a contrary view.

5. There are 2 larger windows on the front elevation of the building for the main living area. Nonetheless, the parking and turning area for 45 Beechcroft (No 45) and the annex itself would be positioned near to the front elevation of the appeal building. This would require vehicles to travel, in close proximity, across the front windows of the annex. While occupants of the annex would have an association with No 45, the parked vehicles would also dominate the outlook from these windows. Therefore, the proposed window arrangement would not provide any meaningful outlook from these rooms. As such, these rooms would not provide satisfactory living conditions for future occupiers.
6. The garden for No 45 is a short distance from the appeal building and over relatively level ground. Furthermore, the provision of parking spaces would require the removal of the existing railings and wall that currently enclose the garden. Therefore, the garden and property would be easily accessible for occupants of the annex.
7. However, while it is stated that there would be a fully compliant disabled wet room facility, the scheme would not provide appropriate living conditions for the future occupants of the proposed annex with regard to outlook, daylight and sunlight. It would fail to accord with Policy DE1 of the Swindon Borough Local Plan (LP) and the Swindon Residential Design Guide (SRDG) where they, in part, require development proposals to provide adequate levels of amenity in respect of light and outlook. It would also be contrary to the National Planning Policy Framework (Framework) where it requires developments to provide a high standard of amenity for existing and future users.

Whether or not a separate residential unit

8. The appeal building is a little distance from the house, beyond the parking area and garden to the rear. Nonetheless, while it would not be reliant on access through the host dwelling or its garden, No 45 would be easily accessible by a path through the garden. Moreover, there would be a shared vehicle access. Furthermore, the plans show parking spaces where the current railings and wall at the end of the garden is located, removing this existing segregation.
9. The application is clear that it proposes a residential annex. The building would be extended to provide two bedrooms, a living area and a wet room. I acknowledge that the space proposed would give an opportunity for the provision of further independent facilities, such as a kitchen. However, the overall size of the accommodation would not be vast. Moreover, it is indicated that facilities for a carer are included and that the occupants would be reliant on No 45 for meals. Furthermore, there has been no convincing case as to why, were the appeal to be allowed, a condition could be imposed to control the occupancy of the building and prevent its use as a separate residential dwelling.
10. The essential feature of an ancillary use is that there should be some functional relationship between the ancillary use and the primary use. The existing garage clearly has such a relationship, and, based on my findings above, the proposed annex would also continue to have a functional relationship with No 45.

11. Based on all that I have seen and read I am therefore satisfied that, in this case, the proposal would not constitute a separate residential unit. It would accord with Policy DE1 of the LP where it, in part, requires developments to consider the layout and function of development. Although not a separate dwelling, the scheme would accord with the Framework where it seeks to prevent inappropriate development of residential gardens.

Character and Appearance

12. While it would be extended, the appeal site relates to an existing building. Boundary treatments and/or vegetation to 3 sides screen it in part from wider views. It is approximately in line with a row of garages to the rear of properties nearby. Moreover, the height of it would be lowered, reducing its prominence. New openings would replace the garage door. However, there are instances of outbuildings at properties in the vicinity of the site with openings of a domestic appearance. This is particularly the case on elevations facing the dwelling they relate to, as is proposed. Rather than appearing incongruous, the building would be of a size, position and type not uncommon in the area.
13. The Residential Extensions and Alterations Supplementary Planning Document (REASPD) states that its guidelines do not relate to granny annexes. Nonetheless, I have not been referred to any direct reference in the SRDG to such proposals either. In the SRDG tandem development is said to be where a new dwelling is placed immediately behind an existing dwelling. For the reasons given above I consider the proposal would not be a separate dwelling. Therefore, elements of the policies and supplementary planning documents that have been put to me with regard to new houses are not relevant.
14. Therefore, the proposal would not be harmful to the character and appearance of the area. It would accord with Policy DE1 of the LP where it, amongst other things, requires developments to respect the character and context of the existing built form. It would also accord with the principles of the REASPD where it seeks to ensure developments harmonise with the character of their surroundings.

Living Conditions of Nearby Occupiers

15. The proposal would be likely to result in some additional comings and goings from the site. However, there is already a vehicle and pedestrian access at the site serving No 45 that passes close to other properties and their gardens. Given the limited scale of the proposal any additional movements would not give rise to significant noise and disturbance. In addition, disruption during construction works would be short lived.
16. Existing boundary treatments and vegetation would limit overlooking from the appeal building into nearby gardens and properties. Matters relating to the refuse and recycling storage could be dealt with by condition were the appeal to be allowed.
17. Therefore, the proposal would not unacceptably harm the living conditions of the occupiers of nearby properties with regard to noise, disturbance and overlooking. It would accord with Policy DE1 of LP and SRDG where it requires development proposals to provide adequate levels of amenity in respect of noise, disturbance and privacy. It would also accord with the Framework where

it requires developments to provide a high standard of amenity for existing and future users.

Other Matters

18. I appreciate the appellant's desire to provide independent living facilities for relatives near immediate family members, rather than in residential care accommodation. However, these personal benefits are not a justification for setting aside the harm that the proposal would cause.
19. It is suggested that alternative schemes would be potentially more harmful than the proposal subject to this appeal. The proposal has been altered in an attempt to overcome issues raised in previous applications and is not for a separate dwelling. Nonetheless, I have found harm arising from the scheme before me which I have assessed on its own merits.
20. While I note concerns from nearby residents regarding parking and access, the Council have not included refusal reasons relating to these matters on the basis of the proposal being for an annex. As I am dismissing the appeal, there is no need for me to consider these matters further. However, the absence of harm would only be a neutral factor.
21. Reference has been made to other schemes for an annex that have been granted planning permission. Nonetheless, I do not have the full details of these and therefore cannot be sure they represent a direct comparison to the appeal scheme.

Conclusion

22. The scheme would not represent a separate dwelling and would not harm the character and appearance of the area or the living conditions of nearby residents. Nonetheless, the lack of appropriate living conditions of future occupiers would be decisive. The limited benefits of the proposal would not outweigh this harm.
23. Therefore, for the reason above, and having taken into consideration all other matters, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR