
Appeal Decision

Site visit made on 29 October 2019

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2019

Appeal Ref: APP/C5690/D/19/3232819

58 Cotton Hill, Bromley BR1 5RR

- 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 Noel Black against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/19/111451, dated 14 March 2019, was refused by notice dated 25 June 2019.
 - The development proposed is conversion of existing single storey garage building to annexe to provide more living accommodation associated with main house.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing single storey garage building to annexe to provide more living accommodation associated with main house at 58 Cotton Hill, Bromley BR1 5RR in accordance with the terms of the application, Ref DC/19/111451, dated 14 March 2019, and the plans numbered P01, P02 and P03, subject to the following condition:
 - 1) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 58 Cotton Hill.

Procedural Matters

2. The application has been submitted retrospectively. I have dealt with the appeal on that basis.
3. The original description of development included the wording "The construction of the garage has planning permission". I have omitted these words from my formal decision as this matter is not relevant to this appeal.

Main Issue

4. The main issue is whether the proposal would constitute an acceptable form of use of the building, including having regard to the character and appearance of the area.

Reasons

5. The appeal building is an existing outbuilding situated at the end of the rear garden of the host property. The proposed conversion works have been undertaken in accordance with the submitted plans, although at the time of my

- visit the room annotated on the plans as a bedroom, contained living room furniture rather than bedroom furniture. This does not materially alter the use of the building subject to this appeal.
6. There is no dispute regarding the acceptability of the scale and external appearance of the building. Although altered from its original design as a double garage, with changes made to door and window types and the installation of photovoltaic panels, there is no increase in its size. The appeal building's overall form is compatible with its surroundings. The majority of properties within this terrace row have outbuildings within their rear gardens of similar scale, position and appearance.
 7. The Council is concerned that the design and position of the appeal building would give rise to the creation of a separate dwelling which would not meet design standards for new housing set out in Policy 3.5 of the London Plan 2016 (LonP) and reflected in Policy 32 of the Lewisham Development Management Local Plan 2014 (DM). The design standards are intended, amongst other matters, to ensure suitable living conditions for residents in terms of outlook and functional needs. The Council also considers that the proposal conflicts with DM Policy 33 which seeks to prevent the development of new dwellings within back gardens, the type of which is subject to this appeal. Notwithstanding these concerns, I am satisfied from the information provided that the development for which the appellant is seeking permission is that of a residential annexe and not a new dwelling. Therefore, DM Policy 33 does not apply.
 8. I have not been provided with any policy specific to the provision of residential annexes. However, it is not unusual to have accommodation of the type proposed situated within a detached outbuilding in the garden of a dwelling. The level of accommodation sought is clearly subservient to and reliant on the facilities within the main dwelling. The Council considers that the overall floor area of the appeal building does not comply with the minimum internal floorspace standards required for a dwelling by LonP Policy 3.5. However, as the appeal scheme does not seek the use of the building as a separate dwelling, reference to overall floorspace is not directly relevant.
 9. In this case the proposed habitable rooms are labelled 'bedroom' and 'office/gym'. No specific reference has been made by the parties in respect of compliance with the standards in relation to particular room sizes. In the absence of such information, given that the 'bedroom' is clearly capable of accommodating a double bed, wardrobe, chest of drawers and other furniture, I consider that it provides adequate space for its function. In addition, this room is served by patio doors that face the garden area and, therefore, provides satisfactory outlook for its users. The 'office/gym' provides restricted outlook from a high-level window that faces the rear boundary fence. However, the size of this room and the level of daylight it receives from its rooflight is such that it provides reasonable space for the use sought.
 10. The appeal building can be accessed from the rear without the need to enter the main dwelling or garden. However, it can also be accessed via the garden of the host property, as it could when it was in use as a garage. No subdivision of the garden has been undertaken or is proposed. I find that this arrangement is consistent with the use of the building as an annexe to the main house. Nevertheless, noting the Council's concerns, if the appeal were allowed the

ancillary nature of the approved use could be secured by imposition of a suitably worded condition which could be enforced.

11. In addition, I do not consider that the proposed use of the building would significantly increase pedestrian movements and activity within the curtilage of the site from that which could reasonably have occurred when it was in use as a garage. This, together with the acceptability of the scale and appearance of the building, leads me to conclude that the use of the building as an annexe, rather than as a separate dwelling, would not harm the character of the established nature and pattern of development of the area.
12. Accordingly, I conclude that the development constitutes an acceptable form of use of the building and is not harmful to the character and appearance of the area. Consequently, it does not conflict with Policy 15 of the Lewisham Core Strategy 2011, DM Policy 32 or LonP Policy 3.5. Together, and consistent with the National Planning Policy Framework (the Framework), these policies seek to ensure good quality design, including that which is sensitive to local context and provides satisfactory living conditions for future occupiers.

Conditions

13. I have considered the Council's suggested conditions in the light of advice in the national Planning Practice Guidance and Paragraph 55 of the Framework. Given the works have already occurred, a time limit condition is not necessary. I do not consider a condition requiring the development to be retained strictly in accordance with the application plans, drawings and specifications to meet the requirements set out in the Framework.
14. I have amended for clarity the suggested condition limiting use of the building for purposes ancillary to the residential use of the main house. This condition is necessary as I have judged the development to be acceptable on the basis of its ancillary use.

Conclusion

15. For the above reasons the appeal is allowed.

S Tudhope
Inspector