



Appeal Decision

Site visit made on 4 November 2019 by Darren Ellis MPlan

Decision by Mr A Thickett BA(Hons) BTP Dip RSA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th January 2020

Appeal Ref: APP/P4415/D/19/3235331

41 High Street, Rawmarsh, Rotherham, S62 6LN

- 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 Marsh against the decision of Rotherham Metropolitan Borough Council.
 - The application Ref RB2019/0359, dated 4 March 2019, was refused by notice dated 28 June 2019.
 - The development proposed is to construct a family annex for disabled relatives.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area and whether the development could be adapted to an independent dwelling.

Reasons for the Recommendation

4. The appeal site is one of a pair of link-detached bungalows on High Street. The bungalows are well set back from the street with large landscaped front gardens and a shared driveway. The proposal seeks the erection of a detached single-storey outbuilding in the front garden, to serve as ancillary accommodation to the main dwelling.
 5. There is a mix of house types and designs in the vicinity of the appeal site, with no overarching appearance or rhythm to the street scene. The large front gardens, while uncommon in the vicinity, contribute positively to a green and open character to the appeal property, and is in keeping with the open land to the north-side and rear of the appeal site. The proposed single-storey outbuilding would be of a fairly large scale and would significantly reduce the openness of the front garden. There are no other outbuildings to the front of the properties in the vicinity, so the proposed outbuilding would not be in keeping with the surrounding area and consequently would detract from the character and appearance of the appeal property.
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6. I note that the outbuilding would be partially or even fully screened by the trees adjacent to the street. However, the outbuilding would be very visible during the winter months when the trees have shed their leaves, as was evident during my site visit. Screening from the trees would therefore not be permanent, and consequently would not mitigate against the visual harm of the outbuilding.
7. The appellant states that a fence could be erected to the front of the appeal site to provide screening. No details of any potential fence have been submitted, and in any case a fence to the front of the appeal site would further erode the openness of the site and would also likely detract from the appearance of the street scene.
8. My attention has been drawn to the development of 58 houses currently under construction on the opposite side of High Street. However, the scale and type of development is so different from the appeal proposal that one cannot reasonably compare the two.
9. For these reasons, the proposal would cause material harm to the character and appearance of the street and immediate area and would conflict with policies CS28 and SP55 of the Rotherham Local Plan, which seek to ensure that development respects or enhances the character and appearance of the area.
10. A residential annexe, even in a separate building in the curtilage of the main dwellinghouse, would normally be regarded as part and parcel of the main dwellinghouse use rather than ancillary to it. The judge in *Uttlesford DC v SSE & White* [1992] considered 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; it would be a matter of fact and degree.
11. In this appeal, the outbuilding with its living accommodation would be part of the same planning unit as the dwellinghouse and would be occupied by the appellant's parents. The proposed building would have a bathroom, kitchen and dining room and would not share any facilities with the host property, although the annexe would not have any private garden space of its own and would share the garden of the host property. The planning unit would remain in single family occupation and would continue to function as a single household. In this case the outbuilding would remain ancillary to the main dwelling. Additionally, should planning permission be granted then a condition could be added to prevent the annex from being used independently from the host dwelling.
12. The Householder Design Guide – Interim Planning Guidance (IPG) states that the Council is sympathetic towards the provision of ancillary semi-independent accommodation for a dependant relative, and that the guidance also applies to freestanding buildings. The appellant's parents have walking difficulties and are likely to become more reliant on wheelchairs in the future. Given the personal circumstances of the appellant's parents, even though the annex would enable them to live independently it is highly unlikely that they would be able to do so, and I am satisfied that the proposed accommodation would be semi-independent.
13. I note that the IPG states that an annexe should not exceed 50 square metres, however this figure is a typical limit for a one-bedroom annexe. The guidance also states that a slightly larger annexe may be acceptable to provide adequate wheelchair access, and as such an annexe that is larger than 50 square metres

may not necessarily be in conflict with the guidance. The proposed annexe has been designed to accommodate two wheelchairs and with two bedrooms, and given the circumstances of the future occupiers I consider the size of the annexe to be reasonable. However, I am not persuaded that the proposed building could not be accommodated elsewhere on the site where it would have less of an impact on the street scene.

14. There is no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling. Any such change would require a new planning application.
15. For these reasons, the proposal would not conflict with Design Guidance 2.9 of the Interim Planning Guidance – Householder Design Guide which, amongst other things, seeks to ensure that the scale of an outbuilding does not exceed what is reasonably necessary for the occupant.

Other Matters

16. The Council raises no concerns regarding the impact on the living conditions of the occupiers of neighbouring properties, and I have no reason to disagree. However, this does not mitigate the harm identified above.
17. The proposed outbuilding would be directly in front of one or two of the front windows of the main dwelling, and as such the proposal may reduce the outlook from these windows. However, the separation between the outbuilding and the affected windows and the single-storey nature of the outbuilding will ensure that any loss of outlook would not cause significant harm to the occupiers of the main dwelling.

Conclusion

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

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

A Thickett

INSPECTOR