



Appeal Decision

Site visit made on 27 January 2020

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2020

Appeal Ref: APP/E5330/D/19/3237668

110 Woodhurst Road, Abbey Wood SE2 9HT

- 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 D Ajayi against the decision of the Royal Borough of Greenwich Council.
 - The application Ref 19/1900/HD, dated 24 May 2019, was refused by notice dated 23 July 2019.
 - The development proposed is a granny annexe.
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Decision

1. The appeal is allowed and planning permission is granted for a granny annexe at 110 Woodhurst Road, Abbey Wood SE2 9HT, in accordance with the terms of the application Ref 19/1900/HD, dated 24 May 2019, and the plans numbered W.110/01A, W.110/02A, W.110/03A, subject to the following condition:
 - 1) 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 110 Woodhurst Road.

Procedural Matters

2. I have taken the appellant's name as it appears on the application form.
3. At my site visit I was able to see that a building akin to the proposal was already in situ and I have considered the proposal on that basis. However, I have amended the description in the interests of brevity and omitted the word 'retrospective' because it is not an act of development.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area, having regard to whether it constitutes a new dwelling.

Reasons

5. The appeal concerns a detached single storey building located within the rear garden of No 110. The siting of the building close to the house is somewhat unusual, but otherwise, its size and appearance is similar to other outbuildings in the surrounding area. Given its location and limited height, the building is barely visible from Woodhurst Road. The Council does not raise concern in these respects and I have no reason to disagree.
6. Rather, the Council's concerns seem to rest on the use of the building as a separate dwelling. In its delegated report, the Council states that the building

contains all primary living facilities and is being used as a self-contained residential dwelling for which separate council tax is being paid. I have no evidence of who is occupying the building and it is not a matter for this appeal. The development applied for is clear that the living accommodation is intended to be ancillary to the main house and the Council has confirmed its acceptance for the appeal to be considered as a householder scheme.

7. Moreover, the Council previously approved a granny annexe of the same size and with the same living facilities at the bottom of the garden, albeit with a slightly different internal arrangement (LPA Ref: 17/3381/HD). The permission was subject to a condition to prevent occupation as a separate dwelling. Such a condition is reasonable and capable of being enforced, and I see no reason why a similar condition could not be applied to the appeal scheme.
8. In its revised location the building has an even closer relationship with the main house, and despite containing primary living facilities, it is very modest in size compared to the main house. The close physical relationship is likely to be more conducive to being able to undertake shared activities and make use of facilities in the main house. In addition, there are no boundary enclosures that would prevent shared use of the garden, so I do not accept that there has been a significant loss of amenity space for No 110. There is a side gate leading from the road to the back garden, but there is no indication that it is, or would be used solely by the occupants of the building, and based on my observations on site, the gate appears to have been physically blocked up, such that the occupants of the building have to come and go through the main house.
9. All of these matters point to the ancillary nature of the granny annexe, and for these reasons, I do not regard the appeal building as being tantamount to a new dwelling and backland development. I therefore conclude that, subject to a condition restricting its use to ancillary accommodation, the development would not have an adverse impact on the character and appearance of the area. Thus, it would not be contrary to Policies 7.4 and 7.6 of the London Plan (2016) (LP) and Policies H(c) and DH1 of the Royal Greenwich Local Plan Core Strategy with Detailed Policies (2014) (RGLP), in so far as they require development to have regard to the pattern and character of the surrounding area, and to prevent unreasonable loss of amenity space for existing residents.
10. As the building would remain in ancillary use, the minimum space standards do not apply and therefore I also do not find any conflict with LP Policy 3.5 and RGLP Policy H5 in this respect.
11. Except for the condition identified above, further conditions regarding the standard time limit, plans and materials, as suggested by the Council in the appeal questionnaire, are not necessary as the development is already in situ.

Conclusion

12. For the reasons given above, the appeal should be allowed subject to the condition identified.

Adrian Caines

INSPECTOR