



Appeal Decision

Site visit made on 3 February 2020 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2020

Appeal Ref: APP/Z2505/D/19/3238866

Bramley House, Wainfleet Road, Boston PE21 9RW

- 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 Jonathan Padley against the decision of Boston Borough Council.
 - The application Ref B/18/0472, dated 20 November 2018, was refused by notice dated 2 August 2019.
 - The development proposed is the demolition of existing single storey garage/outbuilding and construction of 1 1/2 storey domestic garage/annexe on same footprint.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing single storey garage/outbuilding and construction of 1 1/2 storey domestic garage/annexe on same footprint at Bramley House, Wainfleet Road, Boston PE21 9RW in accordance with the terms of application ref: B/18/0472, dated 20 November 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No. 17004-001-01 revision A, Site Plan Drawing No. 17014-001-02, Plans Proposed Annexe Drawing No. 17014-001-06 revision C, Elevations Proposed Annexe Drawings No. 17014-001-07 revision C.
 - 3) The building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling referred to on the approved drawings as Bramley House.
 - 4) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.

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.
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Main Issue

3. The main issue, having regard to whether the proposed building would be ancillary to the host dwelling, is the effect of the development on the character and appearance of the area and on the living conditions of adjoining residents.

Reasons for the Recommendation

4. Bramley House is a substantial detached dwelling dating from the late Victorian/Edwardian period. The site is located at the end of a group of properties on the southern side of Wainfleet Road, with the predominant character of the immediate area being ribbon development with a mix of house designs. Open fields lie to the east and south of the appeal site.
5. The proposal would see the demolition of the existing garage to the rear of the property and the erection of a detached 1.5 storey outbuilding in its place, to serve as a garage and garden store at ground level and living accommodation on the first floor.
6. A previous application was refused¹ and subsequently dismissed at appeal for a similar proposal. In that case however, the outbuilding included a kitchen, bathroom, two bedrooms including one en-suite, and a lounge/diner with a balcony. As a result of the physical separation from the main dwelling, its domestic appearance and the fact that the proposed building could be occupied entirely independently from the main dwelling with regards to living facilities, the Inspector in that case considered that the outbuilding would not be ancillary to the main dwelling and moreover would cause harm to the living conditions of adjoining residents.
7. In this appeal, the proposed living accommodation, which would constitute a bathroom, a bedroom and sitting room, would share kitchen facilities with the host property. The balcony has been removed, and the outbuilding would not have any private garden space of its own and would share the garden of the host property. The appellant has stated that the accommodation would be used by visiting or, in the future, elderly family members and I have no reason to believe this would not be the case. I am therefore satisfied, on the basis of all I have seen and read, that functionally Bramley House and the outbuilding would continue to operate as a single unit. In this case, therefore, in functional terms the outbuilding would remain ancillary to the main dwelling.
8. In terms of the effect of the proposal on the character and appearance of the area, the ridge height of the proposed outbuilding would be 1 metre lower than the ridge of the previously refused outbuilding and lower than that of the host property. The building has been designed with a functional appearance in contrast with the traditional domestic appearance of Bramley House. As such, even though I acknowledge that the footprint of the outbuilding would be substantial, the reduction in height combined with the appearance of the outbuilding would ensure that it would be visually subservient to the main dwelling.
9. While the outbuilding would be visible when viewed from the east, it would be viewed against a residential backdrop and would not appear unusual or harmful to the wider character or appearance of the area.

¹ Application ref. B/18/0291

10. In terms of the effect of the proposal on the living conditions of adjoining residents, the rooflights from the bathroom and one side of the bedroom would face towards the rear garden of the neighbouring property 'Jura'. However, there would be sufficient distance between these windows and the rear garden of 'Jura' to prevent any significant loss of privacy. Additionally, the removal of the previously proposed balcony would reduce the opportunities for overlooking of the neighbouring properties and the proposed properties to the rear of the site.
11. The proposed outbuilding may lead to an intensification of the use of the access to the site that passes between the neighbouring properties 'Jura' and 'Romney'. However, given the limited scale of the residential accommodation proposed, any intensification in the use of the access is unlikely to cause any significant impact on the living conditions of occupiers of these neighbouring properties.
12. Although I have not been provided with any specific details, I understand that outline permission for 200 houses to the south of the appeal site has been granted which included access with all other matters, including layout, reserved for approval at a later date. I acknowledge that it is possible that a new dwelling could be proposed to be close to the appeal site boundary. However, given that the position of the new dwellings in relation to the windows of the outbuilding could be taken into account at the reserved matters stage, I am satisfied that neither this permission, nor the living conditions of future occupiers, would be compromised.
13. For these reasons, the proposal would not conflict with Policies 2 and 3 of the of the South East Lincolnshire Local Plan 2011-2036 (adopted 2019) which, amongst other things, seek to ensure that the a development has an appropriate relationship to existing development and that development is not inappropriate to the local area.

Conditions

14. I recommend the standard time limit condition and a condition specifying the approved plans to provide certainty and in the interests of proper planning. The Council suggested a condition that would ensure the use of the outbuilding remains ancillary to the host dwelling. In order to protect against any harm to the living conditions of adjoining residents, particularly in terms of noise and disturbance, such a condition is necessary. Whilst I have taken into account the Council's suggestion that the building should not be a person's sole or main residence, this would prevent the accommodation being used by an elderly relative as is proposed in this case. A condition on that basis would therefore be unreasonable.
15. Finally, as the submitted drawings show the external materials are to be agreed, a condition requiring agreement of samples of the materials to be used is necessary in the interests of the character and appearance of the host building and the area.

Conclusion

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed and planning permission granted subject to the conditions listed above.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed and planning permission is granted subject to the conditions listed above.

S Ashworth

INSPECTOR