



Appeal Decision

Site visit made on 25 February 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 09 April 2020

Appeal Ref: APP/L2440/W/19/3242616

199 Glen Road, Oadby LE2 4RJ

- 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 Sangha against the decision of Oadby & Wigston Borough Council.
 - The application Ref 19/00369/COU, dated 27 August 2019, was refused by notice dated 24 October 2019.
 - The development proposed is described as 'change of use from existing outbuilding to habitable annexe for 199 Glen Road residents ONLY. This would include, a kitchen/dining space, 2 bedrooms, bathroom and living room.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council contends that the proposal is tantamount to a new two bedroom dwelling. However, the appellant states that there is no intention to create a separate unit of occupation, neither would one result as a consequence of the proposal.
3. I note the appellant's comments that the proposal would share its access, address and utilities with the main dwelling of No 199 Glen Road (No 199) and that it would provide a 'lifelong home' for the current owners of No 199. I have also had regard to the case law cited by the appellant which found 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, instead it would be a matter of fact and degree¹.
4. The separation distance between the proposed habitable annex and the main house of No 199 is substantial, and the site has already, to a large extent, been subdivided by a sizeable brick wall and a metal gate. In addition, the proposed habitable annex would have all the facilities and private outdoor space that would allow independent and discrete habitation from No 199. On this basis, I am of the opinion that the building's occupation as a habitable annex would be so unrealistic that the inevitable effect of any permission would be to create a separate dwelling, and that limiting the use by means of a restrictive occupancy condition would not be reasonable or meet the six tests set out in the National Planning Policy Framework (the Framework) and the

¹ Uttlesford DC v SSE & White [1992].

Planning Practice Guidance². I have therefore determined the appeal on the basis that the development proposed is for a separate dwelling.

5. On my site visit I observed that some of the proposed internal alterations to the existing outbuilding have already been carried out. I have therefore determined the appeal on the basis that the development proposed has, in part, already occurred.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

7. The appeal site is located to the rear of Nos 199 and 199a Glen Road (Nos 199 and 199a) which are two detached, two storey dwellings, set back from the highway. A driveway runs between the properties which provides access to the appeal building and the garages that serve Nos 199 and 199a. A brick wall and a metal gate are positioned at the far end of the driveway, separating the appeal building and its curtilage from the rest of the site at this location.
8. The appeal building is a detached, single storey outbuilding which is adjoined to the garage that serves No 199. It currently provides gym space, a sun room and a shower. Planning permission for the building and its current use as an annex to No 199 was originally refused by the Council and then allowed on appeal³. In this case, the Inspector concluded that the siting of the proposed annex would not significantly harm the area's character, and observed that occupation independent of the main dwelling would require planning permission.
9. The properties within the immediately surrounding area comprise a mix of detached and semi-detached houses, that vary in size and design and which front, but are set back from, the highway. The majority are set in large, linear plots possessing substantial gardens to the rear.
10. The site is located within the Oadby Early Estates North and South Urban Character Area which is part of the Oadby and Wigston Borough Council Landscape Character Assessment 2018 (LCA). The LCA states that, even though the area is a pleasant residential suburban environment, it lacks any distinctive strong character. I agree with this appraisal. However, in assessing this proposed development as a separate dwelling and in line with a previous appeal decision⁴, it is apparent that, the proposal's backland location and lack of frontage to Glen Road would be out of keeping with the prevailing settlement pattern of primary accommodation within the area.
11. I accept that the existing outbuilding is already approved and in situ and that the proposal would result in no change to its external physical appearance. However, its use as a separate dwelling would result in a change from its

² Paragraph 55 of the National Planning Policy Guidance and Paragraph: 003 Reference ID: 21a-003-20190723 of the Planning Practice Guidance.

³ Application Ref: 16/00412/FUL Erection of annex to the rear of 199 Glen Road, and Appeal Ref: APP/L2440/D/16/3163190.

⁴ Application Ref: 15/00351/FUL Erection of a detached bungalow with associated car parking, landscaping and boundary treatment, and Appeal Ref: APP/L2440/W/15/3136814.

incidental and occasional use to permanent occupation. This would lead to an intensification of activity in this part of the site and the creation of additional separate areas for outdoor domestic activities such as gardening and hanging out washing. This would be at odds with the character and appearance of the area.

12. Furthermore, even though there is direct pedestrian access between No 199 and the outbuilding, I am not persuaded that the existing subdivision of the plot by a brick wall and a metal gate is, as described by the appellant, a logical extension to the existing built form and surrounding environs. Instead, I consider that it contributes to and exacerbates the discordance of the proposal in relation to the character and appearance of the area.
13. The changes to the site resulting from the proposed development would be visible when viewed from Glen Road and would highlight its incongruity in the townscape.
14. I acknowledge that there are other examples of development to the rear of main dwellings in the locale, including at Nos 195 and 197 Glen Road, which are referred to by the appellant and in previous appeal decisions⁵. Nonetheless, from the evidence before me and my observations on site, these buildings are ancillary to the main dwellings and do not include any demarcation of the plots. In these respects, they are not comparable to the appeal before me.
15. To conclude on this issue, the proposed development would have a harmful effect on the character and appearance of the area. As such, it would conflict with Policies 6, 11, 15 and 44 of the Borough of Oadby and Wigston Local Plan 2011-2031 (2019) and the LCA. Together and amongst other things, these policies and assessment seek to ensure that development respects and reflects the local character and conforms to the guidance set out within the LCA. It would also fail to comply with the provisions within the Framework which seek to ensure that developments are sympathetic to local character.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR

⁵ Appeal Ref: APP/L2440/D/16/3163190 and Appeal Ref: APP/L2440/W/15/3136814.