



Appeal Decision

Site visit made on 1 October 2019

by S D Castle BSC(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2020

Appeal Ref: APP/W0530/W/19/3228373

26 Granta Terrace, Great Shelford CB22 5DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Ms Katherine Smith against the decision of South Cambridgeshire District Council.
 - The application Ref S/4514/18/FL, dated 28 November 2018, was approved on 27 March 2019 and planning permission was granted subject to conditions.
 - The development permitted is a detached one bedroom annex to the rear of the property.
 - The condition in dispute is No 3 which states that: *The annexe hereby permitted, shall not be occupied at any time other than by the immediate family or any dependant living with the occupiers of, and for purposes ancillary to the residential use of, the dwelling known as 26 Granta Terrace, Great Shelford, Cambridge CB22 5DJ.*
 - The reason given for the condition is: *To protect the amenities of adjoining residents in accordance with Policy HQ/1 of the South Cambridgeshire Local, 2018.*
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development on the application form refers to the annex building as a dwelling. I have, however, used the description of development from the appeal form and the decision notice as this is what has been granted permission. The appeal seeks the removal of a condition restricting the use of the annex to ancillary accommodation to the main dwelling. The appellant's submissions advise that, subject to removal of the condition, it is intended to commercially rent out the annex. Whilst the reason for originally imposing the condition was to prevent an adverse impact on the amenity of the adjoining residents, I am not restricted to considering the appeal in regard to that reason only¹.
3. The Council's appeal statement was received after the statutory deadline for its submission. As no exceptional circumstances leading to the late submission were advanced by the Council, I have disregarded the Council's appeal statement in the assessment of this appeal.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupants of 26 Granta Terrace, with particular regard to privacy.

¹ s79(1) Town and Country Planning Act 1990

Reasons

5. The annex is located at the end of the long and linear rear garden of 26 Granta Terrace, a two-storey end-terrace dwelling. The annex includes one bedroom, a bathroom, living room and kitchen. The annex's main functional link with the main dwelling is its access through the shared garden. This access involves passing close to the rear elevation of No 26 and provides clear views across the rear garden patio area and into a ground floor main habitable window. Such views and access by someone who was not connected with the occupation of the main dwelling would unacceptably harm the privacy, and the quiet enjoyment, of the occupants of the main dwelling.
6. Condition 3 is, therefore, necessary to ensure appropriate levels of privacy for the occupants of 26 Granta Terrace are preserved in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan (2018) which requires development to be of a high quality design that protects the amenity of occupiers. I have considered the condition against the tests of the National Planning Policy Framework and advice provided by the Planning Practice Guidance. For the above reasons, I find the condition to be reasonable, necessary and relevant to the circumstances of this case.

Other Matters

7. My attention has been drawn to a development of 4 houses at the end of Granta Terrace recently permitted by the Council. However, I do not have full details of the circumstances that led to the development of the 4 houses and so cannot make a direct comparison. In any event from the limited details before me, it appears that the circumstances of that development are materially different in terms of scale and layout and are not comparable to those of the appeal proposal.
8. I have had regard to the other points raised by the appellant, including that she has no personal use for the annexe, but that may change in the future, and planning permission runs with the land. I accept that the proposal could contribute to the supply of local accommodation but that does not overcome the identified development plan conflict. I also acknowledge that a room in the main dwelling could be let without planning permission, but that is materially different to the letting of a separate, self-contained property. Furthermore, were I to allow this appeal, there is nothing to stop the appellant from letting out her property in such a manner. Whilst I appreciate that the appellant has no intention of selling the annex as a separate property, there is nothing before me to secure this in the event that the appeal was allowed.

I note the appellant's intention to let the property without parking rights on Granta Terrace. However this would not overcome the harm identified in respect of living conditions.

Conclusion

9. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR