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## Appeal Decision

Site visit made on 10 March 2020 by Scott Britnell MSc FdA

**Decision by Kenneth Stone BSc (Hons) DIPTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14<sup>th</sup> April 2020**

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**Appeal Ref: APP/G5180/D/20/3246983**

**4 Sycamore Place, Bromley BR1 2FY**

- 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 Angelo Savoia against the decision of the London Borough of Bromley Council.
  - The application Ref DC/19/04681/FULL6, dated 1 November 2019, was refused by notice dated 16 January 2020.
  - The development proposed is extension and alteration to existing garage to form a granny annexe.
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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 in this matter are:
  - the effect of the proposal on the character and appearance of the host building and the area
  - whether the proposal would result in a separate dwelling.

### Reasons for the Recommendation

4. The appeal site comprises a detached dwelling located at the head of a cul-de-sac, which is accessed via gates off of Blackbrook Lane. The property benefits from a single storey detached double garage to the side. The proposal includes the provision of a first floor to the garage and a rear extension to that building. The first floor would provide a kitchen/sitting room, bedroom and bathroom, which would be accessed via stairs within the rear extension.

#### *Character and appearance*

5. In its form and scale the detached garage currently appears subservient to the host dwelling with a hipped roof form that restrains its massing and bulk. By contrast, the proposal would introduce a first floor of accommodation with a crown roof form and dormers, which would significantly and disproportionately

- increase its bulk and massing. Consequently, by virtue of its scale, bulk, massing and design, the proposal would be disproportionate and would dominate the garage building. Further, due to its proximity to the host property, the proposal would compete with it visually and would appear as a cramped form of development.
6. Moreover, the proposed dormer windows would result in an overtly domestic appearance. In conjunction with the scale, bulk, massing and design of the proposal the garage would no longer appear as an ancillary building but as a self-contained dwelling. As such, it would be an uncharacteristic form of development within the wider street scene, wherein dwellings are much larger and set within generous plots. The proposal would appear particularly incongruous given its close relationship to the detached garage at No 3 Sycamore Place, which, from the front, appears identical to the appeal building and in an ancillary use.
  7. In conclusion, the proposal would cause harm to the character and appearance of the host building and the area. There would be conflict with Policies 6, 7 and 37 of the Local Development Framework Local Plan London Borough of Bromley Planning Division (January 2019) (BLP). In respect of residential extensions, these policies require, among other things, that the scale and form should respect the host dwelling and be compatible with development in the surrounding area. Accommodation for family members shall be in-keeping with the scale of the existing dwelling-house and developments shall be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form and layout of adjacent buildings and areas.

*Whether a separate dwelling*

8. The Council considers that, given the proposed accommodation within the annexe, it could be occupied independently of the host property. I am also mindful of my findings above in relation to the appearance of the proposal. However, in *Uttlesford DC v SSE & White* [1992], the judge 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 – instead it would be a matter of fact and degree. Therefore, whilst I acknowledge that the accommodation would provide facilities for day to day living, its use as a separate dwelling would require a separate grant of planning permission, which is not being sought in this case. The nature of the relationship with the main building access to the site and the outdoor amenity space also do not readily lend themselves to a separate unit of accommodation. Moreover, the use of the accommodation could be controlled by way of a suitably worded planning condition to limit occupation to an annexe. Although limited information has been provided by the appellant as to which member of their family would occupy the accommodation, no evidence has been provided to demonstrate that it would not be occupied in this manner, other than the Council's assertion, which is provided with no robust justification.
9. In view of my findings, there would be no conflict with the purposes of Policy 7 of the BLP, which requires that extensions to provide space for additional family members cannot be severed from the main dwelling house and access to the extension is provided and maintained through the original dwelling. In reaching this conclusion, I am mindful that the proposed floor plans and

elevations do not match. Further, these appear to show that access to the garage and the stairs would be on the north side of the building, as opposed to the south where there is currently a door. However, as I am recommending that the appeal is dismissed for other reasons, it is not necessary for me to obtain further information or revised drawings.

### **Other Matters**

10. I note the appellant's comments that the proposal would provide an affordable unit of accommodation for family members, would result in the land being used more efficiently and that it would bolster the construction industry. While I acknowledge that providing affordable accommodation for family members is a benefit of the proposal, it does not outweigh the harm identified. Further, as ancillary accommodation, the proposal does not result in a more efficient use of the land, and given the minor nature of the proposal, it is unlikely to result in a significant boost to the construction industry. Consequently, I afford these matters only limited weight in my consideration of the appeal.
11. I have also considered the appellant's comments regarding the wider benefits of annexes in relation to both the elderly population and for younger members of a family. Whilst I accept the benefits of the wider principle, they do not outweigh the harm I have identified.

### **Conclusion and Recommendation**

12. For the reasons given above, I recommend that the appeal should be dismissed.

*Scott Britnell*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

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

*Kenneth Stone*

INSPECTOR