
Appeal Decision

Site visit made on 16 June 2020

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2020

Appeal Ref: APP/J0540/W/20/3250264

7, Danes Close, Peterborough, Cambs PE1 5LJ

- 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 Mrs Winnie Mensah against the decision of Peterborough City Council.
 - The application Ref 19/01790/HHFUL, dated 27 November 2019, was refused by notice dated 29 January 2020.
 - The development proposed is a rear extension and conversion of garage to additional accommodation to existing house.
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Decision

1. The appeal is allowed and planning permission is granted for a rear extension and conversion of garage to additional accommodation to existing house at 7, Danes Close, Peterborough, Cambs PE1 5LJ in accordance with the terms of the application, Ref 19/01790/HHFUL, dated 27 November 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 02 Revision D and 04 Revision A.
 - 3) The materials to be used in the construction of the external surfaces of the link extension as well as the alterations of the annexe hereby permitted shall match those used on the existing building.
 - 4) The annexe conversion and link extension hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as No 7 Danes Close and shall not be occupied, leased or rented as a separate dwelling.

Main Issues

2. The main issues are:
 - whether the proposed development would result in a separate dwelling as opposed to an annexe; and
 - the effect of the development on the character and appearance of the area.

Reasons

Whether the development would be a separate dwelling

3. The appeal site is located on a residential street, Danes Close, and comprises a detached two-storey dwelling with detached garage and associated front and rear gardens. The proposed development would involve the conversion of and alterations to the existing garage building to form living accommodation and a small link to connect the proposed annexe with the existing dwelling.
4. The proposed conversion would provide a bedroom, living room and bathroom. The existing garage is positioned in proximity to and partially behind the main dwelling and accordingly I find that it relates strongly to the existing dwelling. Furthermore, whilst the level of accommodation proposed is of a reasonable size, future occupiers of the annexe would be required to access the main dwelling to use kitchen facilities which provides a reliance on the host property. This indicates a clear functional relationship between the properties.
5. The proposed annexe would be subservient to the host property. The Council have raised concerns over the amount of accommodation proposed and that the size of the property would be out of proportion for its proposed use. The proposed annexe would provide a reasonably large living room but only one bedroom and bathroom and no kitchen and therefore I do not consider this to be out of proportion or excessive for the proposed occupation by a family member. In addition, I do not find it unreasonable that the proposed annexe would utilise the whole of the existing building.
6. Despite the provision of doors which would allow access without going through the main dwelling, I find that the proximity of the proposed annexe to the property, its siting, the proposed link between the properties and the lack of kitchen facilities mean that it would be unlikely that the accommodation would be occupied independently from the main dwelling. In addition, its use in relation to the host property could be secured by the imposition of a condition restricting the use of the proposed annexe.
7. With the above points in mind I find no reason to conclude that the development should be regarded as a separate new dwelling and consider instead that it should be treated as the annexe the appellant has applied for. I find therefore that the proposed development would comply with Policy LP34 of the Peterborough Local Plan (2019) (Local Plan). This policy seeks to ensure that a residential annexe will be, and remain within, the same ownership and be occupied in conjunction with the original dwelling, does not appear as a new dwelling or separate unit, is subordinate to the original dwelling and in keeping in design terms, shares a garden, access and parking area, has a clear functional relationship, is not capable of subdivision, takes its services and utilities from the original dwelling and does not result in other harm.

Character and Appearance

8. The appeal site is located on a residential street with some variety in the appearance of the dwellings. The proposed alterations to the existing garage would involve the provision of windows, French doors and door. The proposed link would provide access from the driveway into the garden and between the main dwelling and proposed annexe.

9. The proposed link would be subservient to the adjoining buildings and would be set behind the existing main dwelling. As such, it would not be visible from the public realm. The proposed link would be small in scale and would not be incongruous with either of the existing buildings. As such it would not result in harm to the site or its surroundings. Although it would have four doors, these are functional to allow access and I do not find that their inclusion would render the development unacceptable.
10. Consequently, as a result of the small scale, positioning and overall design, the proposed link would not be harmful to the character and appearance of the area. It would therefore comply with Policy LP16 of the Local Plan which requires development to positively contribute to the character and local distinctiveness of the area and respect the context of the site, amongst other things.

Conditions

11. In addition to the standard time limit condition, I have imposed a condition listing the approved plans as this provides certainty. A condition requiring the external materials to match the existing buildings is necessary in the interests of the visual character of the development. A condition restricting the occupation of the proposed annexe is necessary to ensure that the development is not used as a separate dwelling in future.

Conclusion

12. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR