
Appeal Decision

Site visit made on 23 June 2020

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2020

Appeal Ref: APP/V1260/D/20/3246197

16 Ebor Road, Poole, BH12 2JS

- 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 Simms against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/19/01379/F, dated 5 November 2019, was refused by notice dated 31 December 2019.
 - The development proposed is stated on the application form to be "erect a single-storey annexe to be used as ancillary accommodation to No 16 Ebor Road, Poole (Revised scheme)".
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Decision

1. The appeal is dismissed.

Preliminary matters

2. A similar proposal for a detached single-storey annexe, containing a living room, kitchen area, study, bathroom, bedroom and en-suite shower room, with separate garden area, parking space and bin storage area was refused planning permission by the Council in September 2019, for essentially the same reason as in the current case. This was that the proposal fails to provide ancillary accommodation with a functional connection with the main dwelling, and that the layout and level of accommodation would lead to a planning unit separate from the main dwelling.
3. Following this refusal the appellant submitted revised plans forming the current appeal proposal. In this revised scheme, the study and en-suite shower room have been omitted, but all other matters remain the same.

Main issue

4. The main issue is whether the proposed development would have a direct and obvious functional connection with the main dwelling, in accordance with Policy PP13 of the Poole Local Plan.

Reasons

5. The appeal site comprises the curtilage of 16 Ebor Road, a semi-detached, 2-storey dwelling located on the eastern side of Ebor Road. Like many of the neighbouring properties, No 16 has a long, narrow rear garden which, in the case of the appeal property, is overgrown and untended. It contains a corrugated sheet garage, 2 greenhouses and a wooden shed, all of which appear to be in poor condition. Under the appeal proposal a detached, single-storey annexe, with rendered walls under a

hipped, tiled roof would be erected towards the eastern end of this rear garden. As noted above, it would contain a living room, kitchen area, bathroom and bedroom. The submitted plans show that a bin storage area and parking space would be provided close to the front, western elevation of the annexe, with a paved area and small garden provided to the rear of the annexe.

6. The appellant explains that he wishes to construct the annexe to provide accommodation for his parents, and has clearly set out the extensive background and history to this proposal in his Statement of Case and the various attachments. However, I am required to determine this proposal in accordance with the development plan unless material considerations indicate otherwise, and in this regard Policy PP13 of the Poole Local Plan (PLP), adopted in November 2018, is of relevance. This policy deals specifically with housing for multi-generational and extended families and explains that the Council will support proposals for the expansion of a dwelling to provide a degree of independent living, albeit as part of a wider family unit, provided that a number of criteria are met, including that any addition should have a functional connection with the main dwelling.
7. This is elaborated on in the supporting text to the policy, which explains that a functional relationship is necessary to ensure that a proposal is not capable of being independently occupied as a separate planning unit and remains reliant on the parent dwelling in some capacity, such as for some basic living amenities, for example, kitchen, bathroom, living space and main entrance. Policy PP13 also requires any addition to a dwelling to be ancillary to the main dwelling; rely on a common shared vehicular access with the main dwelling; provide adequate parking for the proposed occupants; remain as a single planning unit with the main dwelling house; and not have an adverse impact upon the character and amenity of the main dwelling, neighbouring properties and surrounding area.
8. In this case, I fully acknowledge that the appellant has sought planning permission for an ancillary annexe, and have noted the comment in the Design and Access Statement (DAS) that *"as the facilities in the annexe will be basic the occupants will use the kitchen, bathroom and laundry facilities of the main dwelling"*. However, as the proposed annexe is clearly shown as having its own kitchen area and separate bathroom, it seems to me that the comments in the DAS must be questionable. Moreover, although the DAS goes on to say that the annexe would not have its own separate garden area, this is not reflected in the submitted plans, which clearly do show a separate garden area and paved area to the rear of the annexe.
9. With these points in mind, and notwithstanding the appellant's comments on this matter, the fact remains that as proposed the annexe would be quite capable of being independently occupied as a separate planning unit. As such, the current proposal is in clear conflict with this aspect of Policy PP13, and because of this I am not persuaded that seeking to prevent separate occupation by means of planning conditions would be appropriate. However, with regard to other parts of this policy, I share the Council's view that the vehicle access arrangements would be acceptable, and that as it would be single-storey, and located well away from other dwellings, it would not adversely impact on the host dwelling, occupiers of neighbouring properties or the surrounding area.
10. The appellant has drawn attention to the large rear extension which has been approved at the adjoining property, No 14, and which I saw at my site visit. Whilst I note that the appellant maintains that this approved extension is massively intrusive, it was nevertheless considered to be acceptable by the Council, as

planning permission was granted in 2013. From the evidence before me it is apparent that although this planning permission would have pre-dated the adoption of the PLP, the extension would still accord with the requirements of PLP Policy PP13 in that it clearly has a functional relationship with the main dwelling.

11. The appellant has also drawn my attention to an appeal decision relating to 542 Blandford Road, Poole, in which an application for a Certificate of Lawfulness for a Proposed Use or Development was approved for a mobile home to replace an existing garage and summerhouse. However, there are a number of reasons why this is not a comparable situation to the matter before me – not least that the Inspector in that case concluded that the mobile home would not amount to operational development. This approval, therefore, does not lend any material weight to the appellant's case.
12. I have noted the family hardships detailed by the appellant in his various submissions, and I have some sympathy with the position in which the appellant and his parents now find themselves. However, in my assessment none of the matters put forward in support of the appeal proposal amount to valid planning reasons sufficient to outweigh the conflict with the development plan.
13. For the reasons set out above, I therefore conclude that the proposed development would not have a direct and obvious functional connection with the main dwelling, and would clearly be capable of providing self-contained, independent living. As such, it would be at odds with PLP Policy PP13. Accordingly, and having had regard to all other matters raised, I conclude that this appeal should be dismissed.

David Wildsmith

INSPECTOR