
Appeal Decision

Site visit made on 2 July 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2020

Appeal Ref: APP/Z5060/D/19/3241932
40 Julia Gardens, Barking IG11 0UJ

- 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 Palmer against the decision of the Council of the London Borough of Barking & Dagenham.
 - The application Ref 19/01254/FUL, dated 25 July 2019, was refused by notice dated 20 September 2019.
 - The development proposed is the erection of an ancillary granny annexe.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an ancillary granny annexe at 40 Julia Gardens, Barking IG11 0UJ, in accordance with the terms of the application, 19/01254/FUL, dated 25 July 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: MPSDV3/01b; MPSDV3/02b; MPSDV3/03b; MPSDV3/04b; MPSDV3/05b; Planning Statement (July 2019).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with those set out at paragraph 41 of the approved Planning Statement and as illustrated upon approved plan MPSDV3/04b.
 - 4) The building hereby permitted shall only be used for purposes ancillary to the use of the dwellinghouse and shall not be used as an independent unit of accommodation.

Main Issue

2. The main issue is whether or not a suitably located form of development is proposed, including consideration of whether or not the proposed ancillary use has been satisfactorily demonstrated.

Reasons

3. Paragraph 5.7.3(a) of the Residential Extensions and Alterations Supplementary Planning Document (February 2012) (the SPD) sets out that an outbuilding's use should be ancillary or related to the use of the main dwelling

and that any unrelated use will normally be refused. Indeed, were the proposal that is before me to amount to a new self-contained unit of residential accommodation, it would be anticipated to have a harmful effect upon both the character of the area and the living conditions of existing and future occupants at the site. However, the scheme before me is for an ancillary annexe that is earmarked for future occupation by the appellant's elderly mother and I shall consider the proposal from this starting point.

4. It is apparent that a single storey building of modest proportions is proposed. Indeed, the intended floor plan illustrates that merely a single bedroom, a shower room and a lounge area would be provided internally. On this basis any future occupier of the annexe would be reliant upon the host property for kitchen and utility facilities. Furthermore, it is evident that the site's access and external areas would be shared and it has been confirmed that no separate address is to be created and that services would not be independently metered.
5. Whilst the proposed annexe would be situated to the rear of the site and thus physically separate from the main house, it would not be remotely positioned. Indeed, only a short distance on foot would need to be negotiated in order to access the main dwelling from the annexe and vice versa. I also see merit in the appellant's argument that the annexe's proposed siting makes the most efficient use of the site's existing garden area and would be in keeping with the position of other outbuildings in the vicinity. I am satisfied that the annexe would not cause harm to the character and appearance of the area or to the living conditions of neighbouring residential occupiers through, for example, unacceptable overlooking or overshadowing.
6. The proposal represents a suitably located form of development and it has been satisfactorily demonstrated that the annexe would be used in an ancillary capacity linked to the existing main dwelling. The proposal accords with Policies BP8 and BP11 of the Borough Wide Development Policies (March 2011) and with the SPD in so far as these policies and guidance require all development to have regard to the local character of the area and to maintain residential amenity. The proposed development accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conditions

7. In the interests of certainty, a condition specifying the approved plans and documents is required. In the interests of protecting the character and appearance of the area, a condition is reasonable and necessary that requires the external surfaces of the building to be constructed in accordance with the details that have been indicated. A planning condition confirming that the approved building is to be used only for purposes ancillary to the use of the existing dwellinghouse is also required. This would be in the interests of ensuring that a suitable form of development is indeed brought forward and retained in perpetuity.

Conclusion

8. For the above reasons, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR