



Appeal Decision

Site visit made on 8 July 2020

by Y Wright BSc(Hons) DipTP MSc DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 July 2020

Appeal Ref: APP/P3040/W/19/3244045

138 Walcote Drive, West Bridgford, Nottingham, NG2 7GY

- 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 Wayne Brown against the decision of Rushcliffe Borough Council.
 - The application Ref 19/02090/FUL, dated 4 September 2019, was refused by notice dated 11 November 2019.
 - The development proposed is a ground floor single storey detached self-contained annexe with two bedrooms, kitchen, bathroom and lounge.
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Decision

1. The appeal is allowed and planning permission is granted for a ground floor single storey self-contained annexe with two bedrooms, kitchen, bathroom and lounge at 138 Walcote Drive, West Bridgford, Nottingham, NG2 7GY in accordance with the terms of the application, Ref 19/02090/FUL, dated 4 September 2019, subject to the following conditions:
 1. The development shall be begun before the expiration of three years from the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with the plans ref. BRW/100/04, Block Plan and Location Plan all received by the Borough Council on 05.09.2019.
 3. The development hereby permitted shall be constructed in suitable facing and roofing materials to match the elevations of the existing property.
 4. The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 138 Walcote Drive, West Bridgford, Nottingham, NG2 7GY and shall not be used as an independent dwelling.

Procedural matters

2. The description of the development on the application form includes the site address. I have not included this in the banner above as it is unnecessary repetition.
3. The Council's Officer report refers to two previous applications for development of a dwelling within the site, which were both withdrawn prior to their determination. I have taken no account of these proposals within my decision

as they have no status. I have determined this appeal purely on its own individual merits.

Main Issues

4. The main issues are:

- Whether the proposal would constitute a separate dwelling;
- The effect of the development on the character and appearance of the surrounding area;
- The effect of the development on the living conditions of the occupiers of No 138 Walcote Drive as regards outlook and privacy; and
- Whether the development would provide acceptable living conditions for future occupants with regards to privacy and garden space.

Reasons

Whether a separate dwelling

5. The Council contends that, irrespective of the description of the development as an annexe on the application form, the proposal would constitute a new separate dwelling. However the application form clearly states that planning permission is sought for an annexe, not a separate dwelling. This description is also set out on the Council's decision notice.
6. The proposal would be located to the rear of the existing bungalow at No 138 Walcote Drive, on land that has recently been acquired to be incorporated into the rear garden area. I saw on my site visit that this additional land has been cleared and enclosed by a fence and the original northern boundary fence line for No 138 has been partially removed.
7. I acknowledge that with the inclusion of a lounge, kitchen, bathroom and two bedrooms, the new building would have adequate facilities and sufficient space within it to potentially be used independently by a separate household. However, it would not have a separate address or separate utility provision and the driveway, access, parking and garden would be shared with the occupiers of the main dwelling. These arrangements do not lend themselves to the creation of a separate dwelling.
8. Whilst the entrance to the building and some windows and patio doors are proposed to face away from the bungalow, there would also be windows of habitable rooms in the southern and western elevations, facing the rear garden, and in close proximity to the bungalow. Also, the provision of on-site care by the appellant for his elderly parents who occupy the bungalow, would inevitably result in a degree of shared everyday activities.
9. Taking the above into account, I am satisfied that the proposed development would be an ancillary annexe to the bungalow used by family members as part of one household and would not be a separate planning unit. Its occupation could justifiably be controlled by a suitable condition if planning permission were to be granted. I see no reason why the Council should not be able to enforce such a condition.

10. Therefore, with a suitably worded condition in place to restrict the use of the new building to an ancillary annexe, I conclude that the proposal would not constitute a separate dwelling and that it would be ancillary to the use of the bungalow on the site. As such it follows that Policy 11 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (LPP2), which relates to new housing development, is not applicable.

Character and appearance

11. The proposal relates to the site of a modern detached bungalow located within a residential area. The site is surrounded by a mix of dwelling types, including detached single storey bungalows and two storey terraced and detached dwellings. To the north of the site there is an electricity substation and a block of lock-up garages. A public footpath connecting Walcote Drive with Boxley Drive runs along the northern boundary of the site.
12. The development would be single storey with a modest height. It would be set back from both Walcote Drive and the adjacent footpath, behind the boundary fence and to the rear of the electricity substation. The building is proposed to be constructed using brick and tile materials which are dominant in the locality. Whilst further details of the materials have not been provided, I am satisfied that a suitably worded condition to require external materials to match those of the main dwelling would ensure an acceptable appearance that would be in keeping with the main dwelling and the surrounding area.
13. Whilst the proposal would inevitably increase the amount of built form within the site, it would appear subordinate to the more substantive bungalow. It would be largely screened from public view by the main dwelling, the boundary fence and the electricity substation and would not be overly prominent within the street scene. Whilst it would be visible, to some extent, from adjacent gardens and some windows of nearby properties, it would be largely seen in the context of the built form surrounding it and, due to its location and overall scale and mass, would not appear excessively large or be an overly dominant addition.
14. For these reasons, I conclude that the proposal would not result in material harm to the character and appearance of either the bungalow or the surrounding area. The proposal would therefore comply with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (LPP1) and Policy 1 of LPP2 insofar as they aim to ensure that development is appropriate to and reflects the character of the local area.

Living conditions for the occupiers of No 138 Walcote Drive

15. I have determined above that the proposed development would be an annexe ancillary to the use of the main dwelling within the site. As such, I conclude that the proposal would not have an adverse impact on the living conditions of the occupiers of the bungalow at No 138 as regards outlook and privacy. Accordingly there would be no conflict with Policy 10 of LPP1 or Policy 1 of LPP2 in relation to protecting the amenity of occupiers.

Living conditions for future occupiers

16. The proposed annexe would be sited parallel with and around 5 metres from the side elevation of the two storey side extension at No 153 Boxley Drive, to the north of the site. An existing first floor bedroom window in this elevation

would face towards the eastern end of the proposed building. However, taking into account the nature of the proposal as an annexe, together with its modest single storey height which provides a significant height difference with this first floor window, I do not consider that there would be material harm to the living conditions for the future occupiers of the building in relation to privacy.

17. The future occupiers of the proposed annexe would also share adequate garden space with the residents of the bungalow.
18. For these reasons I find that the living conditions for the future occupiers of the development, as regards privacy and garden space, would be acceptable, which would accord with Policy 10 of LPP1 and Policy 1 of LPP2 in relation to protecting the amenity of occupiers.

Other matters

19. Concerns have been expressed that the development has the potential to affect the future re-development of the adjacent garages site for housing. However the Council has confirmed that no planning application has yet been submitted and this therefore carries no weight in my decision. As stated earlier I must consider each appeal case on its own individual planning merits, based on the evidence that is before me.
20. In relation to concerns raised about noise and disturbance during construction of the building, there would inevitably be some impact on neighbouring residents, but this would be for a temporary period. As regards concerns about vehicular access to the site, no new highway access is proposed and the future occupiers of the annexe would share the existing driveway and parking.

Conditions

21. I have considered the conditions suggested by the Council in light of the advice given in the Planning Practice Guidance (PPG). I am satisfied that they meet the tests within the PPG and accordingly I include them within my decision. I attach a condition requiring the development be carried out in accordance with the approved plans to ensure certainty. I also impose a condition requiring that materials to be used in the construction of the external surfaces of the development match those of the existing dwelling, to ensure a satisfactory appearance. In addition, a condition is also necessary to ensure the proposed building remains ancillary to the main dwelling.

Conclusion

22. For the reasons given above, and having considered all matters raised, I conclude that the appeal should be allowed.

Y. Wright

INSPECTOR