
Appeal Decision

Site visit made on 18 August 2020

by Helen B Hockenhull BA (Hons) B. PI MRTPI

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

Decision date: 11 September 2020

Appeal Ref: APP/K0425/W/20/3244458

67 Wycombe Road, Princes Risborough, HP27 0EY

- 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 and Mrs Matthew and Louise Fell against the decision of Wycombe District Council.
 - The application Ref 19/07468/FUL, dated 11 October 2019, was refused by notice dated 30 December 2019.
 - The development proposed is conversion of domestic detached garage into granny annexe and replacement pitched roof including 4 no. rooflights and associated external alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 1 April 2020, Wycombe District Council merged with Aylesbury Vale District Council, Buckinghamshire County Council, Chiltern District Council and South Bucks District Council to become a single Unitary Authority, Buckinghamshire Council. Until such time as they are revoked or replaced, the development plans for the merged local planning authorities remain in place for the area which they relate to, within the Buckinghamshire Council Unitary Authority administrative area. It is therefore necessary, where the development plan contains material that is relevant to the planning judgement to be made in this case, to refer to policies set out in the plans produced by the now dissolved Wycombe District Council.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal provides a suitable standard of living accommodation for future occupants;
 - the effect of the proposal on highway safety with particular regard to the provision of car parking for the proposed development and the host property.

Reasons

Principle of development

4. The appeal proposes the conversion of an existing single storey detached garage to form a granny annexe. The annexe would have a single bedroom, ensuite bathroom, combined kitchen/dining area with a first-floor lounge. The resultant living accommodation would in effect be self-contained. Any future occupant would not be reliant on the main dwelling for any aspects of day to day living, for example cooking or bathroom facilities. The accommodation would therefore provide independent living. The Council are of the view that this would create a separate dwelling house and have assessed the proposal on this basis.
5. The Council's Householder Planning and Design Guidance states that a development will be considered to form a new self-contained dwelling if the internal accommodation becomes self-sufficient and there is no clear link to the main dwelling. It is established case law that even if an outbuilding contains the accommodation to enable independent living, provided that there is a clear functional link between the house and the outbuilding, then it is a matter of fact and degree whether an additional planning unit/ separate dwelling has been created.
6. The appellant's have stated that the converted garage would provide habitable accommodation for use by immediate family, either elderly relatives for whom they can provide care, or as independent living for younger members of the family whilst they complete their studies. Based on the evidence before me, whilst the proposal may be described as an annexe, a clear functional link to the main dwelling is not evident in this case, particularly if it is used as independent accommodation by younger family members.
7. Therefore, I conclude that the appeal proposal would not be ancillary or incidental to the use of the main dwelling and would constitute a separate dwelling unit. I have therefore assessed the proposal accordingly.

Character and appearance

8. The detached garage is located to the front of the plot and is screened from the road by existing boundary hedgerow and vegetation. In terms of the visual amenity of the street scene and the character and appearance of the area, the conversion of the garage including raising its height would have no adverse impact.
9. However, this area is characterised by large detached dwellings set in good sized plots set back from the road. The proposed dwelling would be sited to the front of the host property. It would not be in keeping with the existing pattern of development in the area. As such it would form an obtrusive development out of character with the locality.
10. The proposal would therefore be contrary to Policies CP9 and DM35 of the adopted Wycombe District Plan 2019 and the Council's Householder Planning and Design Supplementary Planning Document (SPD), which amongst other

things seek to achieve high quality design which makes a positive response to site context and improves the character of the area.

Standard of living accommodation

11. Policy DM40 of the Local Plan requires all dwellings to meet the nationally described space standards for minimum internal space requirements. These require that a one bedroom two storey dwelling should have a minimum gross internal floor area and storage of 58 square metres.
12. Taking account of the reduced head room in the lounge, and the exclusion of areas with a height of less than 1.5 metres, the gross internal floor area would be approximately 35 square metres, significantly below that required by the standards. The proposal would therefore be contrary to Policy DM40.
13. The submitted plans do not indicate any external amenity area for future occupants of the dwelling. Whilst the front garden area could be subdivided, it would be likely to have an adverse impact on the character of the area. Furthermore, any private amenity space would be overlooked by the residents in the main dwelling, resulting in poor living conditions for future occupiers of the converted garage.
14. Accordingly, I consider that the appeal proposal would not provide a satisfactory standard of accommodation. It would therefore fail to comply with Policies DM35 and DM40 of the Wycombe District Local Plan which seek to secure high quality design in development.

Highway safety

15. The conversion of the garage to living accommodation would result in the loss of two car parking spaces on the site. The submitted plans illustrate car parking to the south of the garage however the spaces are not defined on the plans and manoeuvring space is not shown.
16. I am advised that the existing house forms a 5-bedroom dwelling which in line with the Buckinghamshire Countywide Parking standards should have parking for three vehicles. Allowing a further parking space for the new dwelling, a total of four spaces would be required. I acknowledge the appellant's comment that an elderly relative may not drive however a younger family member may well do so.
17. It has not been clearly demonstrated how four parking spaces would be provided and how it could be ensured that all vehicles can manoeuvre and access and egress the highway in forward gear. Therefore, I am not satisfied that the scheme would be acceptable in terms of parking provision, with the potential to have a detrimental impact on highway safety.
18. The appeal proposal would be contrary to Policy DM33 of the Wycombe District Local Plan. This policy requires development to provide parking sufficient to meet the needs of future occupants and ensure there is no significant adverse impact from overspill parking.

Other Matters

19. I acknowledge that other Council's in the area may have different planning policies for the conversion of outbuildings to residential accommodation. I am

required however to determine this appeal in line with the relevant policies applicable to the area in which the appeal site is located.

20. The appellant has highlighted that a planning condition could be imposed to ensure that the accommodation is only occupied for purposes ancillary to the main dwelling. This would prevent the property being used as an unrelated separate home. In my view such a condition would be appropriate in a case where a functional link to the main dwelling had been demonstrated. In granting planning permission, the condition could be imposed to ensure that the accommodation remained an ancillary use. This could be important in order to retain control over the development should there be a change in circumstances such as a change of ownership. This is not the situation in the appeal case. It would therefore not be appropriate to use a planning condition to ensure the development is ancillary to the main residential use.

Conclusion

21. Following my conclusion that the appeal scheme proposes a new self-contained dwelling, I have found that the proposal would cause harm to the character and appearance of the area and would not provide a suitable standard of accommodation. Furthermore, it has not been demonstrated that the scheme would provide adequate parking having no adverse impact on highway safety.
22. Accordingly, for the reasons given above, and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR