



Appeal Decision

Site visit made on 8 December 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/N1730/D/20/3255615

7 Clarence Road, Fleet, Hampshire GU51 3RZ

- 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 Ms Thorburn against the decision of Hart District Council.
 - The application Ref 20/00609/HOU, dated 4 March 2020, was refused by notice dated 15 April 2020.
 - The development proposed is described as the "demolition of existing garage and erection of a single storey timber frame outbuilding with a pitched roof. Removal of overhanging hedge and erection of a 1.8m close board fence with 150mm gravel board."
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and erection of a single storey timber frame outbuilding with a pitched roof, removal of overhanging hedge and erection of a 1.8m close board fence with 150mm gravel board, at 7 Clarence Road, Fleet, Hampshire GU51 3RZ, in accordance with the terms of the application, Ref 20/00609/HOU, dated 4 March 2020, 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: Plan 1 – Detailed plan and elevations of proposed alterations, Plan 2 – Proposed Elevations, Plan 3 – Proposed plans, Plan 4 – Existing Elevation, Plan 5 – Existing ground and first floor plans, Plan 6 – Block Plan;

Main Issue

2. The main issue is whether the proposal would or could be an independent dwelling, rather than an ancillary outbuilding as proposed.

Procedural Matters

3. Since the determination of the planning application the Hart Local Plan (Strategy and Sites) 2032 was adopted on 30th April 2020. The Council has confirmed that the Hart Local Plan (replacement) 1996-2006 policy GEN1 has been saved. However, policies GEN4, URB16 and URB17 have been superseded by Policy NBE9 of the Hart Local Plan (Strategy and Sites) 2032. I have determined this appeal in line with current adopted policies, as the Council have set out.

Reasons

4. The proposal is for an outbuilding within the rear garden of the house, replacing an old single garage, to use as an extended utility area, storage and garden room. It has not been proposed as a separate residential unit of accommodation.
5. The outbuilding would be detached from the house and would have some internal facilities which would possibly allow someone to live inside. However, even if it was used for someone to live in, it would be very small for an independent dwelling and therefore more likely as an annexe. The Council has not set out substantive details as to what the harm would be if it was an independent dwelling, but as this is not what is proposed then I have no significant concerns over this issue.
6. The appellant has set out the reasons why the building would be detached and the purposes for this building, such as being a home office, which are all reasonable and does not suggest its use as a separate dwelling.
7. In considering this matter, I conclude that there is no substantive evidence to demonstrate this would not be an outbuilding of some sort, as has been proposed by the appellant. There is also no reason to conclude that the outbuilding would not be incidental or ancillary to the dwelling at 7 Clarence Road, being that it would be set within the existing rear garden and close to the rear elevation of the house.
8. In terms of the proposed outbuilding size, it is not particularly large and would be set within a sizable plot, replacing an existing garage building. The proposal is of a modest scale set rearward of the existing dwelling and would have no adverse visual impacts or highway safety implications. It would also have no significant adverse impacts to neighbour living conditions. I also have no concerns with regards the proposed fence.
9. Overall, I am satisfied that the proposed outbuilding would be ancillary to 7 Clarence Road. As such the proposal would not conflict with saved policy GEN1 of the Hart District Local Plan 1996-2006, and Hart Local Plan - Strategy and Sites 2016-2032 policies H6 and NBE9. The proposal also accords with the Fleet Town Councils Neighbourhood Plan Policy 10 and Policy 19. These policies require development to meet nationally described space standards; achieve a high quality of design which reinforces locally distinctive street patterns; cause no material loss of amenity to adjoining residential uses; and provide adequate car parking where it does not impact upon highway safety and accessibility; amongst other things.

Conditions

10. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the National Planning Policy Framework (the Framework).
11. Both parties have suggested the use of a condition to restrict the annexe from being used as a separate dwelling. However, I have concluded that the proposal before me is an ancillary outbuilding only and does not result in a material change of use that results in a new dwelling. That being the case and on the basis of the information before me I am satisfied that a condition would not therefore be necessary in this case as the establishment of a separate

dwelling would create a new planning unit, resulting in a material change of use and would therefore require planning permission of its own right should it occur in the future, which would give the Council control. What is proposed in this appeal is not a separate dwelling/new planning unit, but an ancillary outbuilding.

12. I have attached the standard time limit condition and a plans condition as this provides certainty.

Conclusion

13. For the reasons set out above and in considering all matters raised, the appeal is allowed subject to the condition set out in the Decision above.

Steven Rennie

INSPECTOR