The Planning Inspectorate

Appeal Decision

Site Visit made on 8 December 2020

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 January 2021

Appeal Ref: APP/N1730/D/20/3258872
5 Buffins Road, Odiham, Hook RG29 1NZ

- 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 & Mrs A le Roux against the decision of Hart District Council.
- The application Ref 20/00916/HOU, dated 17 April 2020, was refused by notice dated 17 June 2020.
- The development proposed is described as 'side extension and new roof to conservatory. Additional accommodation to form annexe for elderly relative'.

Decision

1. The appeal is allowed, and planning permission is granted for 'side extension and new roof to conservatory. Additional accommodation to form annexe for elderly relative', at 5 Buffins Road, Odiham, Hook, RG29 1NZ in accordance with the terms of the application, Ref 20/00916/HOU, dated 17 April 2020, and the plans submitted with it, 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: 2116/05 Rev.A.

    3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

    4) The development hereby permitted shall not be used other than for purposes incidental to the residential use of the dwelling known as no 5 Buffins Road.

Main Issue

2. The main issue is whether the proposed development would be tantamount to the creation of a new planning unit.

Reasons

3. The appeal site comprises a semi-detached dwelling located within an area of primarily residential character. The proposed development would take the form of a side and rear extension to the dwellinghouse, which would provide additional living accommodation at ground and first floor levels. The extension would be significantly set back from the front elevation of the main dwelling,

and the roof would be set down from the ridge of the host property, thus ensuring that it appears as a subservient addition.

4. The Council is however concerned that the proposed development would be capable of being self-contained and not functionally dependent on the host property. The key issue if whether the appeal scheme would, or subsequently could lead to the creation of a separate planning unit. As confirmed by the Courts, this is a matter of fact and degree.

5. A separate entrance would be added to the front elevation of the extension, but physical links would internally remain in place between the host property and the annexe. The floor plans indicate that the proposed development would not be self-contained, and the use of the annexe would therefore be physically and functionally connected to the main dwelling. As the proposed annexe would be of a modest scale, physically attached to the main dwelling, it would not readily lend itself to independent occupation. If there was a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required.

6. Subject to the imposition of a condition restricting its use, I am satisfied that the proposed development would not be tantamount to the creation of a new planning unit. Accordingly, I find no conflict with the design aims of Policy NBE9 of Hart Local Plan (Strategy and Sites) 2032[1] and the National Planning Policy Framework (the Framework).

Conditions

7. I have considered the conditions suggested by the Council, making minor amendments where necessary, to ensure compliance with the tests as set out within paragraph 55 of the Framework and the National Planning Practice Guidance[2].

8. In addition to the standard time limit, I shall impose conditions specifying the relevant drawings which the development and works must accord with, in the interests of certainty and to provide clarity. Conditions regarding external materials are required to preserve the character and appearance of the locality. I shall also impose a condition to ensure that the accommodation hereby permitted is only used for incidental purposes to the main residential use of the host dwelling.

Conclusion

9. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal is allowed.

S Edwards

INSPECTOR

[1] Adopted April 2020.
[2] Paragraph: 003 Reference ID: 21a-003-20190723.