
Appeal Decision

Site visit made on 5 January 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 26 January 2021

Appeal Ref: APP/P0240/W/20/3259214

107-109 High Street, Sandy, Bedfordshire SG19 1AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Barron against the decision of Central Bedfordshire Council.
 - The application Ref: CB/20/01647/FULL, dated 15 May 2020, was refused by notice dated 2 July 2020.
 - The development proposed is a granny annexe – detached timber building, including access and parking
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The siting of the proposed development is adjacent to the Sandy Conservation Area (the CA). However, from the evidence before me, it would appear that the proposed development would not have an adverse effect upon the setting of the CA. Accordingly, the main issues area:
 - the effect of the development upon the living conditions of the occupiers of neighbouring properties;
 - the effect of the development upon the character and appearance of the surrounding area; and
 - whether the proposed development represents a separate dwelling.

Reasons

Living conditions

3. The appeal site consists of a large garden to the rear of a dwelling. It contains a number of outbuildings and features wooden fencing as the boundary treatment on one side. The site is adjacent to several other residential properties, including 99a High Street, which is a bungalow and is sited adjacent to the side boundary of the site. This property is located on land that is lower than the appeal site.
4. Whilst the proposed development would be of a single storey, the differences in land levels between the appeal site and No. 99a are such that it would appear to be significantly taller when viewed from the adjacent neighbouring property.

5. Due to the proximity of the proposed development to the shared boundary, the proposal would have a significant enclosing effect on the rear garden of the adjoining property. This would be particularly notable given that parts of the neighbouring property's garden and the dwelling itself are located on land that is lower than the appeal site.
6. Owing to the relatively short depth of the neighbouring property's garden and the number of windows within this bungalow that would face the proposed development, which would include the window that serves a dining room, the overbearing and enclosing effect would be significant. Furthermore, the differences in land levels means that the proposal would appear taller.
7. The proposed development would feature a pitched roof and that this would slope away from the shared boundary between the appeal site and No. 99a. However, owing to the overall height of the proposed development, the differences in land levels as previously identified and that the proximity of the proposed building to the neighbouring property means that this roof shape would not overcome my previous concerns.
8. In consequence, and owing to the differences in land levels, the proposed development would result in a loss of light to the occupiers of No. 99a. Whilst the orientation of the site and the neighbouring property means that this would not occur for large proportions of the day, at times this loss of light would be significant and would therefore erode the living conditions of the occupiers of the neighbouring property.
9. Whilst the proposed development would be visible from other neighbouring properties, the positioning of the proposed annexe, in relation to the neighbouring properties means that the development would be viewed at a generally oblique angle. This means that the proposal would not have the same overbearing effect or lead to the same loss of light as would be experienced by the occupiers of No. 99a. Although this is a matter of note, this does not outweigh the adverse effects as previously identified.
10. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of No. 99a. The development, in this regard, would conflict with Policy DM3 of the Central Bedfordshire Core Strategy (2009) (the Core Strategy). This, amongst other matters, requires that new developments respect the amenity of surrounding properties.

Character and appearance

11. The appeal site contains a large garden, which contains several outbuildings. The surrounding area contains a number of residential properties. Owing to the pattern of development within the vicinity of the appeal site, the surrounding dwellings are constructed in a variety of different designs and occupy differing positions on their respective plots. The site is also adjacent to a railway line cutting.
12. Whilst the proposed development would be larger than the existing outbuilding, it would be viewed against a backdrop that contains a number of different buildings. These buildings therefore have an array of different designs and proportions. In result, when viewed against this varied context, the proposed development would not appear unduly incongruous. In addition, the presence

of the existing dwelling and the adjoining house means that the proposed development would not be readily viewed from North Street.

13. I acknowledge that the proposed development would be visible from the area on the opposite side of the railway line. However, due to the separation distance and the fact that the annexe would be viewed alongside other buildings and would be viewed at a distance. In consequence, the proposed annexe would not be particularly prominent. It would therefore not erode the character of the site's surroundings.
14. In addition, had I been minded to allow this appeal, I could have imposed a condition that would have required the development to be constructed from materials of a type and colour that would have ensured that the development harmonised with its surroundings in this regard,
15. I therefore conclude that the proposed development would not have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would be in conformity with Policy DM3 of the Core Strategy and the Central Bedfordshire Design Guide (2014) (the Design Guide). These, amongst other matters, seek to ensure contribute positively to creating a sense of place and respect local distinctiveness and should relate well to the character and context of their surrounding area.

Whether the development represents a separate dwelling

16. The proposed development is located within the garden of the existing dwelling. The proposed development would share the garden, parking area and driveway of the existing house.
17. Whilst the proposed development would be of a relatively large size and would contain a number of different facilities, the fact that occupiers of the proposed development would be reliant upon sharing some facilities with the occupiers of the existing dwelling means that it cannot reasonably be considered to represent a self-contained dwelling within its own right. This is because occupiers of the annexe would utilise the same access to the rear garden area and would also share the car parking. By reason of its positioning, this would emphasise the links between the occupiers of the two buildings.
18. Furthermore, whilst there would be a section of garden to the side of the proposed annexe, the details before me show that the proposed development would not involve the subdivision of the garden. This reinforces the link between the proposed and existing development and highlights that they would not be two separate, unconnected dwellings as residents of each building would be able to utilise all elements of the garden.
19. In addition, the application has been submitted on the basis of it being a domestic annexe. Should the development proceed, it is likely that a separate application for planning permission would be required in order to allow the proposed development to be used as a dwelling in its own right. This would provide an appropriate mechanism to assess whether it is appropriate for there to be a self-contained dwelling within the rear garden.
20. I therefore conclude that the proposed development would not represent a self-contained dwelling. The development, in this regard, would be in conformity with Policy DM3 of the Core Strategy and the Central Bedfordshire Design Guide (2014) (the Design Guide). These, amongst other matters, seek to

ensure that new developments be appropriate in scale and design to their setting and ensure that annexes should relate well to the character and context of their surrounding area.

Other Matters

21. I note that the proposed development would potentially allow for increased support of local facilities, which could be accessed without a car. In addition, the proposal would potentially allow for an existing dwelling elsewhere to become vacant. Whilst these are matters of note, they are only some of all the matters that must be considered. In result, they do not outweigh my findings in respect of the first main issue.

Planning Balance and Conclusion

22. Whilst I have identified that the proposed development would not represent a self-contained dwelling and would not have an adverse effect upon the character and appearance of the surrounding area, this is outweighed by the adverse effects upon the living conditions of the occupiers of No. 99a. Accordingly, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR