
Appeal Decision

Site visit made on 28 January 2021

by Paul Griffiths BSc(Hons) BArch IHBC

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

Decision date: 24 February 2021

Appeal Ref: APP/N1160/D/20/3262355

6 Billacombe Villas, Plymouth PL9 8AL

- 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 R Harding against the decision of Plymouth City Council.
 - The application Ref.20/00636/FUL, dated 28 April 2020, was refused by notice dated 2 September 2020.
 - The development proposed is a single-storey annexe.
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Preliminary Matter

1. The proposal was amended during the application stage. I have proceeded on the basis of the revised proposal that the Council took its decision upon.

Decision

2. The appeal is allowed and planning permission is granted for a single-storey annexe at 6 Billacombe Villas, Plymouth PL9 8AL in accordance with the terms of the application, Ref.20/00636/FUL, dated 28 April 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: 17338/104A; 17338/105A; and 17338/106A.
 - 3) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 6 Billacombe Villas, Plymouth PL9 8AL.

Main Issue

3. In their reason for refusal, the Council raised no issues in terms of the potential impact of the proposed annexe, as revised, on the character and appearance of the host property or its surroundings, the living conditions of adjoining occupiers, or highway safety. Rather, the Council has expressed concern that by virtue of its design and layout, the annexe has 'significant potential to become a separate unit of accommodation'.
4. I am content that as designed, the proposal would have no harmful impact on the character or appearance of the main dwelling, as proposed to be extended, the living conditions of adjoining residents, or highway safety.

5. In that context, the main issue to be considered is whether the Council's concerns about the potential for the annexe to become a self-contained dwelling are justified.

Reasons

6. In the first instance, I would observe that the proposed annexe includes a kitchen/living room, a bedroom, and a shower room and as such *could* provide for independent day-to-day living. However, that in itself does not mean the annexe *would* operate as a separate self-contained dwelling. It is very clearly promulgated as an annexe, with the occupants sharing their living activities in company with the family in the main dwelling and forming an integral part of the planning unit. That is not a novel concept and as the appellant has pointed out, a condition can be applied to ensure the annexe operates in that way.
7. On that basis, as an annexe, I am of the view that the proposal is acceptable and in compliance with Policy DEV10 of the Plymouth and South West Devon Joint Local Plan (2013-2034) which deals with the delivery of high-quality housing, and Policy DEV20 which covers place shaping and the quality of the built environment.
8. Neither do I see any difficulty in terms of DEV10.4 of the Joint Development Guidelines Supplementary Planning Document (July 2020) which is directed at residential annexes. I understand the concern therein about the difficulties that can arise if annexes of the type proposed are separated from the main dwelling, in terms of the creation of sub-standard accommodation with inadequate privacy, access, parking and amenity space.
9. However, it seems to me that any use of the annexe proposed as a self-contained dwelling would, in all likelihood, require planning permission. If the Council was concerned at that stage about the standard of the accommodation that would result from separation, and the precedent it might create in Billacombe Villas, then it could refuse to grant any such permission. Similarly, if it became clear to the Council that the annexe was being used as a self-contained dwelling without the benefit of permission, then it could take appropriate enforcement action.
10. I have considered conditions in the light of the advice in paragraph 55 of the National Planning Policy Framework. A commencement condition is necessary as is a condition setting out the approved plans. As set out above, a condition is required to ensure that the annexe operates in a manner that is ancillary to the main dwelling. A condition requiring the use of matching materials is not required as the materials to be used are clearly set out on the plans.
11. For the reasons given above I conclude that the appeal should be allowed.

Paul Griffiths

INSPECTOR