



Appeal Decision

Site Visit made on 19 May 2021

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd June 2021

Appeal Ref: APP/V1260/D/21/3272769

38 Guest Avenue, Poole BH12 1JB

- 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 Hodgson against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/21/00193/F, dated 5 February 2021, was refused by notice dated 1 April 2021.
 - The development proposed is described as 'extension of existing raised platform and fenestration alterations. Garage conversion including alterations to create additional first floor space ancillary to the main house'.
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Decision

1. The appeal is allowed and planning permission is granted for extension of existing raised platform, fenestration alterations and garage conversion including alterations to create additional first floor space ancillary to the main house at 38 Guest Avenue, Poole BH12 1JB in accordance with the terms of the application, Ref APP/21/00193/F, dated 5 February 2021, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Main Issue

2. The main issue is whether the accommodation being proposed would be ancillary to the main dwelling and if not, what harm would result.

Reasons

3. The appeal site consists of a detached dwelling in a generous plot with a detached double garage and paved parking area to the front. There is mature tree planting on the boundaries, protected by a Tree Preservation Order (TPO).
4. The appeal proposal involves works to alter and increase the height of the roof to the garage to provide a first floor area and to replace the up-and-over garage door with bi-fold doors and a pedestrian door on the ground floor. The floor plans indicate the use of the ground floor as a gym with shower room and the first floor as a 'bedroom/living area'. A new store is proposed to the side.
5. The appellant has made it clear in his appeal submission that it is intended to use the space created as additional family space in association with the main house and not as independent living for a family member. As a result, I am satisfied that policy PP13 of the Poole Local Plan is not relevant to this proposal, in that it relates to proposals for housing for multi-generational and extended families and this is not what is being proposed here. As the appellants say in their appeal statement, the proposal is solely to create additional family space for the gym and for children's play/hobby/chillout with

the potential to use it for ad hoc overnight stays by visiting family, friends or guests.

6. Even if I did find that the policy was relevant, the lack of a separate kitchen facility in the appeal proposal would mean that the proposal would have a functional relationship to the main dwelling as its occupiers would be reliant on the kitchen in the main dwelling. Whilst the garage is not attached to the main dwelling, it is located immediately adjacent to it so there is a close physical relationship between the main dwelling and the accommodation proposed. In addition, the plans do not indicate any subdivision of the garden or parking area and nothing I have seen would lead me to believe that the proposal and main house would not remain as a single planning unit.
7. The Council have not identified any harm resulting from the proposal other than the potential for it to be used as a separate dwelling. This would constitute development requiring planning permission in its own right and is not the proposal which is before me for consideration.
8. For these reasons, I consider that the proposal would be acceptable.

Conditions

9. In addition to the standard time limit, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty. In order to protect the character and appearance of the area, I have imposed a condition requiring the external materials used in the construction of the proposal to match those of the existing building. In addition, I have imposed a condition to ensure that the trees protected by a TPO are not harmed during construction works. Finally, given that I have found that the accommodation being proposed is to be used ancillary to the main dwelling and not as a self-contained unit of accommodation, it is reasonable to attach a condition limiting its use to that specified.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed.

Alison Fish

INSPECTOR

Schedule of 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: 002 revision A; 003 revision A; and 005 revision 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) All works relating to ground clearance, tree works, demolition and development of the store and raised platform shall be carried out as specified in the approved Tree Protection Plan and Arboricultural Method Statement dated 29 January 2021, and shall be supervised by a qualified arboriculturist instructed by the applicant and approved in writing by the local planning authority.
- 5) The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 38 Guest Avenue.

*****End of Conditions*****