



Appeal Decision

Site Visit made on 29 June 2021

by Mr James Blackwell LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 20 July 2021

Appeal Ref: APP/W1715/D/21/3272001

Lechlade Cottage, Botley Road, Fair Oak SO50 7AP

- 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 Ian Watson against the decision of Eastleigh Borough Council.
 - The application Ref H/20/89192, dated 4 November 2020, was refused by notice dated 8 January 2021.
 - The development proposed is an annex.
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Decision

1. The appeal is allowed and planning permission is granted for an annex at Lechlade Cottage, Botley Road, Fair Oak SO50 7AP in accordance with the terms of the application, Ref H/20/89192, dated 4 November 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 drawings: LOC 01 (Location and Proposed Site Layout Plan); PRO 01 (Proposed Ground Floor and Roof Plan); and PRO 02 (Proposed Elevations Plan).
 - 3) The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Lechlade Cottage, Botley Road, Fair Oak SO50 7AP.

Applications for costs

2. An application for costs has been made by Mr Ian Watson against Eastleigh Borough Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, with particular regard to its size, scale and location.

Reasons

4. The appeal property is a large detached dwelling located between Fair Oak to the north and Horten Heath to the south. The property benefits from a large driveway at its front and has a substantial garden to its southern side which wraps around to its rear. The garden is largely screened from the road by a mature boundary hedge. To the north-east of the appeal property, there is a collection of buildings which vary in size and style, which I understand are used

as a day centre. Beyond these buildings, there is an expanse of open countryside. To the south-east of the appeal property, there are a number of other residential dwellings set within large gardens, some of which benefit from separate incidental outbuildings. Due to the scattered arrangement of this varied built form, there is no particular pattern of development in the immediate vicinity of the appeal site.

5. The Council's Local Plan¹ identifies a number of local gaps within the district, which have special importance as they protect the separate identity of smaller settlements which are at risk of coalescence with other settlements. The appeal property is located within an identified local gap between Fair Oak and Horten Heath. Policy 3.CO of the Local Plan says that "*planning permission will only be granted for appropriate development in a local gap if (i) it cannot be acceptably located elsewhere and (ii) it would not diminish the gap, physically or visually*".
6. The proposed annex would sit in the area of garden to the south of the driveway which is largely screened by the mature boundary hedge. This particular location would ensure the annex can be easily accessed from both the driveway and the main dwelling, allowing ease of movement by the appellant's elderly parents (who are the intended occupiers of the annex), particularly his father who is reliant on a wheelchair. Given these mobility requirements, I agree that the specific location of the annex is justified. More generally, the annex could not be located away from the appeal site, as that would defeat its inherent nature as an annex to the main dwelling. On this basis, I am satisfied that the proposed development is consistent with the first limb of Policy 3.CO of the Local Plan, as it could not be acceptably located elsewhere.
7. Turning to the second limb of Policy 3.CO. The appeal site is located at the very south of the local gap between Fair Oak and Horten Heath, just east of Botley Road. To the west of Botley Road, there is an expanse of open land which is important to the separation of these two settlements. However, the appeal dwelling is located on the eastern side of Botley Road, which comprises more built form. This includes the collection of buildings which make up the day nursery to the north-east of the site and the dwellings and outbuildings to the south-east of the site. Due to the greater level of built form surrounding the appeal site on this side of the road, its contribution to the local gap is much less valuable. Instead, on the eastern side of Botley Road, it is predominantly the open countryside to the east and further north of the appeal site which is crucial to the preservation of the local gap between Fair Oak and Horten Heath. As such, the addition of a further outbuilding in this area, particularly in such close proximity to the appeal dwelling, would not visually or physically diminish the local gap, and therefore would not lead to additional coalescence between Fair Oak and Horten Heath. The development would therefore satisfy the second limb of Policy 3.CO of the Local Plan.
8. The properties along this section of Botley Road are separated by substantial areas of open space, which means the building line does not add any particular value to the street scene. Therefore, its projection forward of the building line would not harm the appearance of the area, as it would be not readily apparent along the road.

¹ Eastleigh Borough Local Plan Review (2001 – 2011) (2006)

9. In any event, due to its siting behind the mature boundary hedge at the front of the curtilage to the appeal property, much of the annex would be obscured from view along the road. Whilst this does limit its prominence, irrespective of the boundary treatment, the outbuilding would not appear visually intrusive to the street scene. There are several examples of annexes and outbuildings which are similar in size and style to the proposal very near to the appeal property, including in the gardens of the nearest dwellings. The addition of a further incidental outbuilding in this location would therefore be in-keeping with the character of the area.
10. In terms of size, the proposed annex would be single storey with a mono-pitched roof and would have a footprint of approximately 60sqm. Whilst the size of the annex is considerable, it would be commensurate with the size of other nearby outbuildings. Given the size of the appeal dwelling, which is a large two-storey detached property, it would also appear proportionate in scale to its host property. The annex can be comfortably accommodated without the appeal site appearing cramped or overdeveloped, whilst still retaining ample private garden. This means it would not appear overly dominant within the context of the wider curtilage of the appeal property.
11. In terms of facilities, the proposed annex would include a bedroom, bathroom and living space, but no kitchen. Without a kitchen, I do not consider that the annex would be tantamount to a separate dwelling, as it would still rely on the kitchen facilities of the main house. Even if a kitchen were installed at a later date so that the annex could operate as a standalone dwelling, a condition can be used to ensure it remains ancillary, which would overcome any risk of sub-division in future.
12. For these reasons, I am satisfied that the proposed annex would not harm the character and appearance of the area, and would therefore be consistent with Policy 59.BE of the Local Plan and Policy DM1 of the emerging Eastleigh Local Plan², both of which require new development to take full and proper account of the context of the site including the character and appearance of the locality, specifically in relation to mass, scale, materials, layout, density, design and siting. The development would also be consistent with Policy 9.CO of the Local Plan, which seeks to ensure extensions and/or incidental outbuildings within the countryside will not be disproportionate to the main dwelling or to neighbouring properties. Finally, the development would be consistent with policies 1.CO and 3.CO of the Local Plan, as it would meet the requirements of other policies in the Local Plan, it could not be acceptably located elsewhere, and it would not diminish the local gap between Fair Oak and Horten Heath.
13. The Council's Quality Places SPD³ does not include any detailed guidelines for annex buildings such as the one proposed, so I do not consider it relevant to the determination of this appeal.

Conditions

14. Alongside the usual timing condition, I have included a standard plans condition to ensure certainty over the development carried out. I have also included a condition to ensure the annex remains ancillary to the main dwelling, which overcomes any risk of future sub-division.

² Eastleigh Borough Local Plan 2016 – 2036 (2018)

³ Quality Places Supplementary Planning Document (2011)

15. The Council proposed a further condition to prevent business use from the annex and to prevent the annex being sold separately from the main dwelling. I don't consider such a condition to be necessary. Business, industrial or commercial use would not be permitted without planning permission for a change of use. The condition securing the ancillary use of the annex is already sufficient to overcome any risk of the annex being sold off separately.
16. The National Planning Policy Framework is clear that conditions which restrict national permitted development rights should not be imposed unless there is clear justification for doing so. There are no particular space constraints around the appeal site which would warrant justification of such a condition in this instance.

Conclusion

17. For the reasons given and subject to the prescribed conditions I conclude that the appeal should succeed.

James Blackwell

INSPECTOR