



Appeal Decision

Site Visit made on 3 August 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2021

Appeal Ref: APP/B1415/D/21/3268166

Valkyries, 99 Rye Road, Hastings TN35 4LL

- 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 Jake Bowers against the decision of Hastings Borough Council.
 - The application Ref HS/FA/20/00765, dated 20 October 2020, was refused by notice dated 22 December 2020.
 - The development proposed is "Garage conversion into a residential annexe".
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Decision

1. The appeal is allowed and planning permission is granted for "Garage conversion into a residential annexe" at Valkyries, 99 Rye Road, Hastings TN35 4LL in accordance with the terms of the application, Ref HS/FA/20/00765, dated 20 October 2020, subject to the attached Schedule of Conditions.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The proposal comprises the installation of windows to, and the extension of, an existing two storey domestic garage and store and its conversion into an annexe. The proposed extension would infill the area beneath the existing cantilevered section of the first floor. The Council's reason for refusal refers to the ease with which the appeal site could be subdivided to create two separate residential units, which would be out of keeping with the character and appearance of the area; however, this does not form part of the application for planning permission.
4. The proposed conversion of the existing building into an annexe would include the provision of a bedroom and bathroom at first floor level, which I am advised already exist in breach of a condition attached to the planning permission for the building, and the installation of a log burner and utility space with sink, alongside a sun lounge and sitting room at ground floor level. There would be no designated kitchen space.
5. The building is located adjacent to the rear elevation of the dwellinghouse and a patio area. The proposed fenestration would ensure a close relationship with

the dwellinghouse, as would be expected for an annexe. Although the annexe would be set over two levels and have a floor area exceeding the recommended minimum for two-person one-bedroom two storey dwellings, its floor area would appear proportionate to the dwellinghouse and large plot as an ancillary building and would only slightly exceed the existing building floor area, which has planning permission to be used for purposes incidental to the enjoyment of the dwellinghouse.

6. The appellant has confirmed that the proposed annexe would provide living accommodation for a disabled family member, who would remain dependent on their family living in the dwellinghouse for a range of needs, including the preparation, cooking and taking of meals. The proposed plans do not show any cooking facilities within the building, the lack of which would prevent it from being capable of independent occupation as a separate dwelling. The proposed use of the building would therefore remain ancillary to the dwellinghouse, which could be required by condition.
7. The proposed development would not therefore result in a separate residential plot. The use of the proposed annexe as a separate dwelling would constitute a breach of planning control, against which enforcement action could be taken. It follows that there would be no change to the existing plot of the appeal site, and no harm to the character or appearance of the area or general pattern of development. The proposal therefore accords with Policy DM1 of the Hastings Local Plan: Development Management Plan (2015), which requires, amongst other things, proposals to take into account surrounding street patterns and plot layouts.

Conditions

8. It is necessary to attach conditions requiring the commencement of development within the relevant timeframe and specifying the approved plans in the interests of clarity and enforcement. The proposed plans are annotated to show external materials would match the existing building. It is necessary to attach a condition requiring the building to be finished as shown to ensure the extended part of the building is of appropriate external appearance.
9. A condition prohibiting the use of the building other than for purposes ancillary to the dwellinghouse is reasonable and necessary to prevent the building from being used as an independent dwelling, and to protect the living conditions of future residents, the living conditions of occupants of other dwellings, and the character and appearance of the area. There is no need for this condition to prohibit the building from being let or sold separately or severed from the dwellinghouse, as such actions would ensure the building ceases to be used for purposes ancillary to the dwellinghouse.
10. The Council have suggested attaching a condition prohibiting the extension of the building and a condition controlling the hours of building works. However, I do not consider either condition to be necessary. As a building ancillary to the dwellinghouse and not a separate dwelling in its own right, any extension would require planning permission. The proposed building works are minor in nature and are unlikely to result in any harm to the living conditions of neighbouring residents while they are carried out in this location.

Conclusion

11. For the reasons given I conclude that the appeal should succeed.

L Douglas

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: Site Location Plan, Site Plan, Existing Plans SK01 Revision C, Proposed Plans SK02 Revision B.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved Proposed Plans SK02 Revision B.
- 4) The building shown on the approved Proposed Plans SK02 Revision B shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Valkyries, 99 Rye Road, Hastings TN35 4LL.