

Appeal Decision

Site visit made on 20 August 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

An Inspector appointed by the Secretary of State

Decision Date: 06 September 2021.

Appeal Ref: APP/G5180/D/21/3275200

Tall Trees, Farnborough Hill, Orpington, BR6 7EE

- 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 Graham Bailey against the decision of the London Borough of Bromley.
 - The application, ref. DC/21/00328/FULL6, dated 18 January 2021, was refused by notice dated 1 April 2021.
 - The development proposed is described as a garage conversion to create a two storey annex.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - The effect of the development on the character and appearance of the host building and the locality; and
 - Whether the proposed annexe is in accordance with development plan policies with relation to reliance on the host dwelling.

Reasons

Character and appearance

3. The appeal site is located along Farnborough Hill which lies in a residential suburb on the fringes of the London Conurbation. The area consists of larger plots to either side of Farnborough Hill where to the south of the carriageway there are large detached dwellings, to the north of the north of the Farnborough Hill contains a mixture of semi-detached and detached dwellings. Buildings appear to date from the early to mid-twentieth century and have forms which have an arts and crafts style with steeply pitched hipped roofs, the use of render and brick with large chimney stacks and a well vegetated street scene with hedges, mature trees within front and rear gardens which can be experienced from the street. These elements and additionally the positioning of dwellings with large setbacks and spaces in and around dwellings give a sense of spaciousness which is part of the local distinctiveness and local character and appearance of the locality.

4. The appeal site is part of a group of two semi-detached dwellings (Tall trees/ Stonehaven & Three Firs/ Nada) which appear to have been constructed in the mid twentieth century. Whilst both pairs of semi-detached dwellings have been altered and extended, both pairs of semi-detached dwellings carry a number of the positive elements of the locality. The dwellings are positioned diagonally to the street, and are two storeys tall with hipped roofs and large front and rear gardens that are well vegetated and have a sense of spaciousness in and around the dwellings. Outbuildings are single storey and located to the side and rear of dwellings.
5. The proposed annexe would add an additional storey to the detached garage which lies to the rear and side of the existing dwelling. Whilst the garage/annexe would be extended so that it joined the dwelling at the corner of the garage, and 1st floor of the building, given the setback and location and size of the proposed annexe, would have the appearance of a two story building located to the rear of the host dwelling. Whilst the first floor over the garage would contain similar materials and design to the host dwelling, it would not be a subservient addition due to the massing and form which would be dominant. Additionally, there would be a loss of spaciousness in and around the dwelling with the built form extending almost the width of the site which would remove some of the positive qualities which contribute to local distinctiveness, appearance and character.
6. In conclusion of this matter, the proposal would unacceptably harm the character and appearance of the appeal site and the street scene, which would be contrary to the London Borough of Bromley Local Plan (LP) Policies 6 and 37 (which are design led policies that place an emphasis on subservience, scale, massing and form, with emphasis on visual gaps, and site characteristics) and LP Policy 7 (which seeks that extensions to existing dwellings are in-keeping with the design and scale of the existing dwelling).

Use of the Annexe

7. LP Policy 7 seeks that where extensions are proposed for family members, that all of the three criteria of the policy are met: a) the extension cannot be severed from the main dwelling-house; b) is in-keeping with the design and scale of the existing dwelling-house; and c) access to the extension is provided and maintained through the original dwelling house.
8. The proposal seeks that the front ground floor of the garage would contain a vehicle space with access to a hallway with stairwell to first floor, a bathroom and kitchen/living area. To the first floor would be two double bedrooms and a further bathroom. Access to the annexe is provided via the garage as well as via the western façade where a doorway is provided from the proposed hallway to the rear garden.
9. With regards to severance, the layout provides the majority of facilities at required for an independent dwelling. However, the proposal is presented as an annexe, rather than the creation of a separate dwelling. The applicant asserts that the annex would provide accommodation for the current owner or potentially elderly mother-in-law whilst the owner's son and family reside in the main house and provide care to the owner/elderly mother-in-law in the attached converted garage building.

10. The Council's concerns are whether the garage conversion is actually ancillary as the building has a separate entrance which could be accessed via the pathway which runs alongside the building that could sever both uses. Ancillary uses are not distinguished by scale, although that may be relevant and there should be some functional relationship between the ancillary use and the primary use. That functional relationship should be one that is normally found; it is not based on the personal choice of the person carrying out both activities together. Furthermore, even if the accommodation provided facilities for independent day-to-day living it would not necessarily become a separate planning unit from the main dwelling; it would be a matter of fact and degree.
11. An annexe, even in a separate building, would normally be regarded as part and parcel of the main dwellinghouse use rather than ancillary to it. Accordingly, there is no reason in law why the outbuilding should become a separate planning unit from the main dwelling. The annexe is within the side garden of the dwelling and in front/to the side of its main garden. The dwelling has limited external garden space other than the main rear garden. Furthermore, the driveway and access provide a single point of vehicular access onto the highway, and in order to access the western entrance, a person would need to walk around the entire garage to reach the separate access.
12. The proposed layout creates a strong visual link and relationship between the dwelling and the outbuilding. As such, the proposal would not be readily severable from the main dwelling and to do so would deprive the dwelling of a significant portion of its corresponding plot. Consequently, although having a comparatively large footprint, the building would have a functional dependency on the main dwelling and would therefore be ancillary.
13. Although, a boundary division could be erected, this alone would not sever the planning unit or alter the functional dependence of the outbuilding. As such, a material change of use would not occur. However, due to the size of the building, I agree with the applicant that a condition in this circumstance would be necessary to link it to the dwelling. This would provide clarity as to how it can be occupied and to ensure that it would not become a separate dwelling. As such I do not find any conflict with criterion a) of LP Policy 7.
14. With regard to Criterion b), this has already been discussed in a previous matter, where the proposal was found to not be in-keeping with the design and scale of the existing dwelling. As such the proposed scheme would not be compliant with Criterion b) of LP Policy 7.
15. Criterion c) of LP Policy 7 does not distinguish the type or number of accesses required, and that any proposed scheme which provides accommodation for family members requires that access is provided through the original dwelling. There are two accesses provided to the annexe, one via the garage which has access to the dining room of the host dwelling, and another access which has direct access to the front garden. I am satisfied that sufficient access has been proposed through the dwelling, meeting Criterion c).
16. In conclusion of this matter, whilst I agree with the applicant that the proposal would meet Criterion a) and c) of LP Policy 7, it would not meet

criterion b) and therefore fail to comply with the policy when taken as a whole.

Conclusion

17. I have found in the applicant's favour with regards to part of a main issue that the site would not cause severance of use from the main dwelling. However, this is insufficient to outweigh the other matters that were shown to be inappropriate such as the impact towards the character and appearance of the area. The proposal would therefore be contrary to the development plan when considered as a whole.
18. For the reasons given above, I conclude that the appeal be dismissed.

J Somers

INSPECTOR