



Appeal Decision

Site visit made on 8 September 2021

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2021

Appeal Ref: APP/Y3615/D/21/3273393 21 Oxenden Road, Tongham GU10 1AR

- 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 Gurpreet Singh Ghataore against the decision of Guildford Borough Council.
 - The application Ref 20/P/02126, dated 11 December 2020, was refused by notice dated 3 March 2021.
 - The development proposed is a rear garden granny annexe, demolition of existing sheds.
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Decision

1. The appeal is allowed, and planning permission is granted for a rear garden granny annexe, demolition of existing sheds at 21 Oxenden Road, Tongham, GU10 1AR, in accordance with the terms of the application, 20/P/02126, dated 11 December 2020, subject to the following conditions: -
 - 1 The development hereby permitted shall begin no later than 3 years from the date of the decision.
 - 2 The development hereby permitted shall not be carried out other than in complete accordance with the approved plans: VD138/PL01, VD138/PL02, VD138/PL03 and VD138/PL04.
 - 3 The materials to be used in the construction of the external walls of the development hereby permitted shall match those used in the main dwelling.
 - 4 The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 21 Oxenden Road, Tongham.

Main Issues

2. The main issues are whether the annexe would be ancillary and provide appropriate living conditions for the occupiers, and its effect on the character and appearance of the area.

Reasons

Annexe

3. The proposed annexe would be located at the end of the rear garden. Beyond the garden is a private lane which provides vehicular access to the rear of

- properties in Oxenden Road (Nos.21 to 85), many of which have garages/outbuildings adjacent to the lane.
4. The application is clear that the proposal is for a “granny annexe” and it was submitted to the Council as a householder development. The floor plans show the accommodation as a bedroom, bathroom and living room but no kitchen. The appellant explains that the accommodation is for family members who currently reside in the main dwelling and would remain dependant on it for cooking and other domestic facilities.
 5. Whilst the building would be detached, contrary to the Council’s position, I do not find it would be remote. The building would be a relatively short distance across the garden along an existing pathway and doors and windows on each building would directly face towards each other.
 6. I accept, given the position of the building with the access lane to the rear and parking to the side, the annexe maybe accessed separately. However, access to the main dwelling from the parking area is through the garden past the annexe. In my view, whilst there is no physical connection, there is a visual and functional relationship between the two buildings. Additionally, as promoted and accepted by the appellant a condition could be imposed restricting the occupation of the building. As such, I am satisfied that the proposal is for ancillary accommodation. In coming to my view, I have had regard to the case law referred to by the appellant.
 7. The Council in their reasons for refusal also indicate that the proposal would provide a poor level of amenity for the occupiers, although no specific concerns are identified, nor have I been directed to any standards or policies relating to ancillary accommodation. The building is of a reasonable size, albeit subservient to the main dwelling, and each room is served by windows. Additionally, as ancillary accommodation the occupiers would share the facilities of the main dwelling which includes the garden which they would have direct access to.
 8. The proposal would provide annexe accommodation of an acceptable form. As such, I find no conflict with Guildford Borough Local Plan 2003 saved policy G1(3), which seeks to protect the amenities enjoyed by occupiers of buildings, or place shaping policy D1 of Guildford Borough Local Plan Strategy and Sites.

Character and Appearance

9. Many of the properties along Oxenden Road have outbuildings in their gardens; there are numerous garages and other structures with low profile roofs adjacent to the access lane. The proposed annexe building is a simple design with a flat roof and would be constructed in bricks to match the main dwelling. To accommodate the annexe a row of existing sheds which abut the rear boundary would be removed. Whilst the annexe would cover a greater area and be slightly taller it would be off set from the boundary. Thereby, in my opinion the visual relationship with the access lane would be similar. The building would not be visible from Oxenden Road, and the separation distance and intervening vegetation restrict views from Elm Lane.
10. In conclusion, I find that the building would not be out of keeping with the prevailing character of the area, and accordingly would not conflict with saved policies H8 and G5 Guildford Borough Local Plan Adopted January 2003 which

seek to ensure that residential extensions have no unacceptable effect on character and respect the surrounding environment.

Conditions and Conclusion

11. I have attached the standard timeframe condition, and for clarity a condition requiring the development to be undertaken in accordance with the approved plans and for the materials to match the main dwelling. Additionally, as noted above a condition is necessary to ensure that the use of the building is as an ancillary annexe.
12. For the reasons set out above I conclude that the appeal should be allowed, and planning permission granted.

G Ellis

INSPECTOR