



Appeal Decision

Site visit made on 7 September 2021

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 5 October 2021

Appeal Ref: APP/F0114/D/21/3277949

11 Lilac Terrace, Midsomer Norton, BA3 2AP

- 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 Neil Dredge against the decision of Bath & North East Somerset Council.
 - The application Ref 21/00425/FUL, dated 27 January 2021, was refused by notice dated 8 April 2021.
 - The development proposed is conversion of the garage workshop to an annexe.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of the garage workshop to an annexe at 11 Lilac Terrace, Midsomer Norton, BA3 2AP in accordance with the terms of the application, Ref 21/00425/FUL, dated 27 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan (LTRP001), 25 January 2021
 - Existing Site Plan (LTRP002), 25 January 2021
 - Proposed Site Plan (LTRP003), 25 January 2021
 - Existing Plans and Elevations (LTRP004), 23 January 2021
 - Proposed Plans and Elevations (LTRP005), 23 January 2021
 - Proposed and Existing Elevations (LTRP006), 25 January 2021
 - 2) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 11 Lilac Terrace, Midsomer Norton, BA3 2AP.

Preliminary matters

2. The development took place in December 2018 and I am therefore considering the appeal on the basis that the proposal is retrospective.

Main issue

3. The main issue is the effect of the development on the character of the area.

Reasons

4. The stone built houses along Lilac Terrace have long, narrow rear gardens, several of which contain ancillary sheds and outbuildings. No 11 contains a large outbuilding towards the bottom of the garden that has been used as a garage, with a workshop to the rear. The development retains the garage, but the workshop has been converted into a 1-bedroom, 2-storey living space. A small porch extension has been added at the back to create an entrance

- hallway. The original flat roof above the workshop has been replaced with a pitched roof, continuing the existing roof line of the garage.
5. The plans show that the annexe has a shower, WC, bedroom and living room. The annexe is very limited in size and the occupants would not easily have the space for some essentials of modern living, such as a washing machine or dining table, and any kitchen facilities would necessarily be very limited. To this extent, the annexe is likely to be dependent on the main house.
 6. However, the converted building has both private access and outdoor space, and would clearly be capable of providing a degree of independent accommodation. For these reasons, in character the proposal is tantamount to a new dwelling, notwithstanding that a condition can be used to ensure that in planning terms it remains ancillary to the house.
 7. The annexe is beyond Lilac Terrace but I observed that there are houses at a similar elevation to the appeal site across the wider area and that the local grain of housing is variable. The appeal site is surrounded by gardens, garages and ancillary buildings, and is therefore within the overall envelope of intense residential development. I am satisfied that occupation of the workshop would not cause harm to local character through intensification of housing.
 8. In addition, only minor external changes have been made and the building maintains the appearance of an ancillary garage. Domestication of part of the building is therefore not intrusive, and the character of the area is not materially or visibly affected by introduction of an ancillary dwelling.
 9. The appeal site is located in the Midsomer Norton Conservation Area. External alterations to the modern garage building are minor and the prevailing character of the area is already residential. I am satisfied that there is no harm to the character, appearance or setting of this section of the CA from the development.
 10. For the reasons above, I do not find conflict with Policies D1, D2, D3 and D7 of the Bath and North East Somerset Placemaking Plan (July 2017), which together require that development respects the character of an area.

Conditions

11. A commencement condition is unnecessary because the development has already taken place, but a condition to secure accordance with the approved plans is required in the interests of good planning.
12. I have also imposed a condition recommended by the Council to ensure that the building is used for ancillary purposes. I have removed the final sentence recommended by the Council, that the house shall not be occupied as an independent dwelling. This is because it is possible to have a building that would be capable of such use, but still ancillary to the main house.

Conclusion

13. For the reasons above, and having regard to all other matters raised, the appeal should be allowed.

B Davies, INSPECTOR