



Appeal Decision

Site Visit made on 19 October 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2021

Appeal Ref: APP/U1620/D/21/3271914

2 Milton Avenue, Gloucester GL2 5AP

- 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 Villis against the decision of Gloucester City Council.
 - The application Ref 20/00786/FUL, dated 9 August 2020, was refused by notice dated 16 March 2021.
 - The development proposed is conversion of existing double garage to ancillary annexe for dependent relation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Pre-Submission Gloucester City Plan 2011-2031 (Emerging Plan) is yet to be adopted however an examination has taken place and the Inspectors findings have been issued to the Council. I have not been provided with details of any unresolved objections to the policy relevant to this appeal. However, as it is broadly consistent with the National Planning Policy Framework (the Framework) it carries moderate weight.
3. At the time of my site visit, I saw that the external works to facilitate the conversion had been completed, therefore the development is retrospective.

Main Issue

4. The main issue is whether the proposed development is ancillary or incidental to the main dwelling or a separate independent unit of residential accommodation.

Reasons

5. The appeal site comprises a detached building in the rear garden of 2 Milton Avenue, a traditional two storey semi-detached dwelling located within a well-established residential area. The annexe is located in the rear garden of the host property and faces onto Milton Avenue. Pedestrian and vehicular access is provided via a gated access from Milton Avenue.
6. Retrospective planning permission for a double garage was granted in February 2020. The submitted existing plans detail a double garage, however during my site visit I noted that the garage doors had been partially bricked up with windows inserted as per the proposed plans. Whilst some fencing appeared to have been removed, temporary metal fencing has been erected in its place with no access route within the site from the annexe to the main dwelling.

7. Policy A10 of the Emerging Plan relates to residential annexes and requires that there is a demonstrated need to accommodate a relative, there is a functional link between the annexe and the principal dwelling and there is no boundary demarcation.
8. The development benefits from all the necessary amenities to function as an independent unit, with bathroom, kitchen, bedroom, living room and storage area provided internally, and private amenity space provided to the front and side. Whilst the submission advises that no washing facilities would be provided and this would require the occupant to enter the main house, there appears to be sufficient space within the building to provide space for a washing machine. In reviewing the plans there appears to be an area within the kitchen annotated 'w/m' where such an amenity could be provided. Additionally, as mentioned, due to the erection of the metal fencing there is no access within the site between the annexe and the host dwelling. As such this would require any occupant to exit the annexe and appeal site, walk along Milton Avenue and then enter the front entrance of the host dwelling.
9. Whilst it is intended for the development to be occupied by a relative of the appellant who it is said requires some oversight, no evidence or information has been submitted to demonstrate the need for a completely self-contained annexe. Therefore, there is no material consideration that would outweigh this policy which has been subject to a rigorous examination.
10. I have considered a condition requiring the development to remain ancillary to the host dwelling. However, as noted above, the annexe has the facilities to function independently of the host dwelling with no functional link between the two buildings and therefore would not be ancillary to the host dwelling.
11. For the reasons set out above I consider that the development would result in a self-contained unit with no functional link to the host dwelling. Therefore, it would not accord with Emerging Plan policy A10 which seeks, amongst other things, to ensure that annexes have a functional link to the host dwelling and remain ancillary.

Conclusion

12. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. Consequently, the appeal should be dismissed.

Tamsin Law

INSPECTOR