



Appeal Decision

Site visit made on 7 December 2021

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st December 2021

Appeal Ref: APP/D1780/D/21/3282424 90 Janson Road, Southampton, SO15 5GU

- 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 T Austin against the decision of Southampton City Council.
 - The application Ref 21/00569/FUL, dated 1 April 2021, was refused by notice dated 25 June 2021.
 - The development proposed is extension and conversion of detached garage following removal of conservatory to provide self-contained annex accommodation ancillary to main dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for extension and conversion of detached garage following removal of conservatory to provide self-contained annex accommodation ancillary to main dwelling at 90 Janson Road, Southampton, SO15 5GU in accordance with the terms of the application, Ref 21/00569/FUL, dated 1 April 2021, and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The materials and finishes to be used in the conversion and extension of the development hereby permitted shall match those on the existing building.
 - 3) The building hereby permitted shall not be subdivided or altered so as to create a separate self-contained dwelling and shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling known as 90 Janson Road.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 01; 04/Rev.C and 05.
 - 5) Prior to the first occupation of the proposed annex approved by this planning permission, full plans and details of storage for refuse and recycling and for secured storage for bicycles shall be submitted to and approved in writing by the Local Planning Authority. The permitted development shall not be first occupied until the refuse, recycling and bicycle storage have been provided in accordance with the agreed details. The refuse, recycling and bicycle storage shall thereafter be retained as approved for this purpose. Unless otherwise agreed by the

Local Planning Authority, except for collection days only, no refuse or recycling shall be stored in front of the development hereby approved.

Procedural Matters

2. I have adopted the description of development as set out on the application form as this more fully describes the development for which planning permission was sought.
3. On 20 July 2021 a revised version of the National Planning Policy Framework (Framework) was published. However, the policies that are relevant to this appeal have not changed and there was no need, therefore, to invite the parties to make further submissions in response.

Main Issues

4. The main issues are: (a) whether the appeal building would constitute a separate dwelling and if so, whether it would be acceptable having regard to local and national planning policies; and (b) whether the proposed building provides a satisfactory living environment for existing and future occupiers.

Reasons

Separate dwelling and suitability of location

5. Although this issue forms the Council's second reason for refusal, determining whether the proposal would involve a separate dwelling is a pre-requisite to addressing the other concerns raised by the Council.
6. The appeal site is located on the north western side of Janson Road and comprises a large detached two storey dwelling (host property) with a detached garage to its side. The host property and garage are physically linked by a small single storey extension (porch). The plot that makes up the appeal site is much wider and larger than that of its immediate neighbours and some of the surrounding properties also vary in terms of their style, age and scale.
7. The appeal proposal involves the conversion and extension of the detached garage to provide a residential annex. The proposed single storey rear extension would, in part, replace an existing conservatory. The Council do not object to the principle of the new extension, a finding I concur with. The Council do object to what they contend would be an independent unit of accommodation, a new dwelling, and an unacceptable subdivision and intensification of the use of the site which they contend would be at odds with the existing pattern of development in the area.
8. The Appellant argues that the appeal proposal is not for a separate dwelling but for an annex to the host property. The Appellants Statement indicates that the current elderly occupiers (owners) of the host property would move into the new annex enabling their son and family to return and reside in the host property, and effectively take on the role of carers for their parents in old age. The proposed ground floor accommodation, within the new annex, would, they contend, better suit the needs of the parents who already suffer from restricted mobility and other medical issues.
9. In refusing planning permission the Council have referred to a number of development plan policies, as well as its Residential Design Guide Supplementary Planning Document (2006) (SPD). However, none of the

extracts that I have been provided with include specific guidance on the considerations that will be taken into account when determining applications for new annexes. Most of the extracts relate to the requirements and standards that would be applied to a new dwelling, even though the development that is before me and the subject of this appeal, is for a proposed annex. There is no proposal before me for a separate dwelling.

10. An annex is a common form of development that allows relatives to live with their family and with a degree of independence, often referred to as a 'granny annex'. I accept that a cautionary approach needs to be taken to avoid proposals that effectively involve the creation of a separate new dwelling, which may be inappropriate and unsustainable in the location proposed. Even so, whilst an annex could include all the facilities required for independent day-to-day living it would not necessarily then become a separate planning unit from the host dwelling, and whether it did or not would be a matter of fact and degree.
11. Within the above context and based on the evidence before me, the following factors are relevant: the appeal building was built as a garage incidental to and to serve the host property; the garage is within the same ownership as the host property; the garage is within the curtilage of the host property and shares the same pedestrian and vehicular access; the proposed annex would share the garden areas as well as the services and utilities of the host property; the new annex would be very close and physically well related to the host property even without the existing single storey extension (porch) that currently links the two buildings (this link is not shown on either the existing or proposed plans); the proposed annex would have a functional link with the host property in that it would be occupied by relatives and share a number of its facilities; there would be no boundary demarcation between the proposed annex and the host or any subdivision of the existing plot; and, the proposed annex would be small-scale and subservient to the host property.
12. All of these factors lead me to conclude that the proposal to convert and extend the existing garage to provide a residential annex would be acceptable in this location and would not involve the creation of a separate dwelling.
13. The Council argue that the appeal building has no connection with the host. For the reasons set out above, I disagree. There would be both a functional and physical link between the proposed annex and host property. The proposed annex would have immediate access to a large rear garden, shared with the host property, which would be more than sufficient to meet their joint needs. Both the host property and the new annex would also share an area of off-street parking to the front of the appeal site. The latter appears sufficient to accommodate approximately 4 vehicles and in the absence of any detail of the maximum standards that the Council would apply to the appeal proposal, this level of shared provision would, in my judgement, be acceptable.
14. The above finding is reinforced by the fact that there is no substantive evidence before me to suggest that this level of parking provision would not be sufficient to accommodate the needs of the proposed annex and host property. In addition, even if there was overspill onto the adjacent highway, there is no evidence, in the form of a consultation response from the Highway Authority or other similar evidence, to suggest that this would result in any harm to the availability of on-street parking or lead to any significant impact on highway

safety. In relation to the concerns raised with regard to cycle and refuse storage, I see no reason as to why those facilities could not be accommodated on the appeal site and secured by an appropriate condition.

15. I am also not convinced that there is any evidence to support the Council's contention that the appeal proposal would result in the overdevelopment of the site or an unacceptable intensification of the existing use. The proposed annex would largely be contained within the existing built form of the detached garage, and even with the new single storey rear extension the converted building would remain small scale and subservient to the host property. Furthermore, the style, age and form of properties in the area does vary. As a consequence, the conversion of the garage to an annex and the associated external alterations to facilitate this, would not appear out of keeping and would not result in any significant harm to the character and appearance of the area or to the existing pattern of development.
16. I find, therefore, that the conversion and extension of the existing detached garage to provide a self-contained residential annex for the host property is acceptable and that the proposal does not involve the creation of a separate dwelling. There would, as a consequence, be no conflict with policies CS13, CS16 and CS19 of the Southampton City Council Core Strategy (2015) (SCS) or policies SDP1, SDP5, SDP7, SDP9 and H7 of the City of Southampton Local Plan Review (2015) (SLPR) or the corresponding guidance of the SPD.

Living conditions – existing and future occupiers

17. On my site visit I viewed the relationship between the proposed annex and host property from within the existing garage as well as from the rear garden. From these observations, I noted that the part of the garage that would accommodate the proposed kitchen has an existing window that allows a reasonable level light into the building. Also, that this window was not overshadowed by the host property due to the reasonable gap that exists between the two buildings and as the rear corner of the host angles away from the rear of the garage. This window would be replaced by a partly glazed door and narrower window, but for the same reasons would not be overshadowed by the host and would allow a reasonable level of light into to proposed kitchen.
18. Even so, the main aspect of the new kitchen would be through the proposed living room via an open plan layout, the two rooms being separated by what appear to be sliding doors. The proposed living room would itself benefit from large bi-folding glazed doors facing onto the rear garden. It would also benefit from a secondary side window, sited beyond the rear corner of the host where it would again not be overshadowed. Combined, the new windows and glazed doors would allow a good level of light to enter into the proposed kitchen and living room, as well as providing a high level of outlook.
19. The Council contend that these new windows would overlook the host property and its rear garden, which for a separate dwelling, would result in a loss of privacy. However, as I have found, the proposed annex would not involve the creation of a separate dwelling and the existing garden areas would be shared. As such, any concerns in relation to loss of privacy do not, in my view, arise.
20. In relation to the position of the proposed bedroom adjoining the parking area and driveway, this is not an uncommon relationship. The area in front of the proposed bay window to the new bedroom is large enough to park one vehicle,

and the level of comings and goings generated by this space, and the rest of the parking area, would, in my judgement, be minimal and would take place largely during the day when the proposed bedroom would most likely be unoccupied. Moreover, there is no evidence before me to suggest that the level of noise and disturbance that the shared use of this parking area could generate would be so significant as to justify on its own the refusal of planning permission.

21. The Council also contend that there would be insufficient refuse and cycle storage to serve the host property and the proposed annex, but as I found earlier, I see no reason as to why these facilities cannot be accommodated on site and secured by an appropriate condition.
22. For the above reasons, I find that the proposed annex would provide a satisfactory standard of living accommodation for both existing and future occupiers and that the appeal proposal would not, therefore, be at variance with policy CS13 of the SCS or policies SDP1, SDP5 and H7 of the SLPR or the corresponding guidance in the SPD.

Conditions

23. The Council has suggested a number of conditions in their Questionnaire which I have considered against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions.
24. A condition that requires compliance with the approved plans and for materials and finishes to match those on the existing building are necessary and reasonable to secure a high-quality development and to reflect the details included in the application. I am also satisfied that a condition that seeks to restrict the use of the proposed building to a residential annex ancillary to the use of the host property is necessary and reasonable. This would reflect the purpose for which planning permission has been sought and prevent the new building being used or occupied as a separate dwelling.
25. Whilst I have noted the Appellants comments on the provision of cycle and refuse storage, I am satisfied that there is sufficient space on site to provide a dedicated storage area for both and that a condition to this effect is necessary and reasonable in order to secure a high-quality layout, encourage the use of other travel options and meet sustainability objectives, and ensure there is appropriate provision for refuse and recycling.
26. I have slightly modified and combined the wording of some of the suggested conditions and added a list of approved plans for clarity. Based on the evidence before me and my findings on the issue of car parking provision, I am not convinced that a condition requiring the approval of a parking and access layout is either necessary or reasonable.

Conclusions

27. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR