



Appeal Decision

Site visit made on 5 January 2022

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 19 JANUARY 2022

Appeal Ref: APP/B5480/W/21/3277652

293 Osborne Road, Hornchurch, RM11 1HW

- 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 Keane against the decision of the London Borough of Havering.
 - The application Ref P1944.20, dated 18 December 2020, was refused by notice dated 9 April 2021.
 - The development proposed is annex in rear garden ancillary to main house.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The planning application form stated that the development proposed was "outbuilding to be subservient to the main house to house of mother and father of the family leaving the child to have main house with her children allowing both to be as a family but live independent lives. Outbuilding sole use of the parents". This description was changed in the officer's report to "annex in rear garden to main house". The latter description is more succinct and better describes the proposal in terms of planning control. I therefore adopt it in the heading above, whilst elaborating on the nature of the proposal when setting out my reasons.

Main Issues

3. There are 2 issues in this case: i) the effect on the character of the rear garden and the pattern of development in the area, together with the impact on the amenity and privacy of surrounding residents, in respect of the bulk, mass and siting of the proposal and increased activity; and ii) if the first issue amounts to a justified refusal reason, is this outweighed by the family circumstances.

Reasons

4. The appeal proposal is intended to allow the current elderly occupiers of the existing house to move into an 'annex' or 'outbuilding', so that their divorced daughter and her 4 children can move into the house. Currently both families are living in the host dwelling. This dwelling is a semi-detached house with an existing outbuilding at the end of the rear garden. Other dwellings in the immediate vicinity are of similar semi-detached form, with many having outbuildings at the end of the back gardens.

5. The application plans show a single storey building with a gross internal floor area of approximately 60.92 m², effectively the same as the minimum size standard for a 2 bedroom/single storey dwellinghouse (61sqm) as described in Table 3.1 of Policy D6 of the London Plan (adopted 2021). It is located on the site of the existing outbuilding, although it is about 3 times as long, extending much further into the garden towards the host dwelling. The layout includes a kitchen/living room, 2 bedrooms and a bathroom. It is shown as having a separate access point from the vehicular track that runs down the western boundary. Although not the declared intention of the appellants, it is thus, to all intents and purposes, capable of being occupied as an independent dwelling.
6. The council's detailed planning policy is set out in the Residential Extension and Alterations Supplementary Planning Document (2011) which provides planning guidance for annexes and dependent relatives accommodation. The policy requires that an annex should have shared facilities with the main dwelling in order to ensure it does not become a self-contained unit. In addition, the scale of the granny annex should be subordinate to the main dwelling. As the officer's report notes, applying a condition for the annexe to be used only by the parents of the family would be difficult to monitor and enforce. Furthermore, the 'annex' would need to be built to normal standards for a residence: it would not be a temporary building. The requirements of the present extended family will not last for the lifetime of the new building, and thereafter its continued existence would be likely to lead to great pressure for it to become a residence entirely separate from the host dwelling.
7. It is against this background that the effect on the character of the rear garden and the pattern of development in the area, together with the impact on the amenity of surrounding residents must be viewed. The bulk, mass and siting of the proposal would be at odds with the character of this residential area. Whilst it is true that a number of other houses have outbuildings at the bottom of the garden, this proposal is of an entirely different character. Whilst the effect on the host dwelling would be acceptable to the current occupiers, in the longer term the effect of a separate dwelling in what should be a private garden area would be detrimental to the living conditions of the occupiers of the host dwelling. Whether used by an extended family in conjunction with the main house, or as a totally separated and independent unit, it would be harmful to the character of the rear garden and the pattern of development in the area, having an impact on the amenity and privacy of surrounding residents because of the bulk, mass and siting of the proposal and increased activity.
8. In respect of the second issue, clearly the personal circumstances of the current extended family are of great concern to them, and must be looked upon sympathetically. Nevertheless, such circumstances change, often quite quickly and inevitably relatively early in the life of a new residential building. Personal circumstances can rarely override the proper concerns of planning policy which has to balance the public good against individual benefit. In this case the harmful effects of the proposal that I have identified outweigh the benefits and mean that the appeal must be dismissed.

Terrence Kemmann-Lane

INSPECTOR