



Appeal Decision

Site visit made on 25 January 2022

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2022

Appeal Ref: APP/R1845/D/21/3285637

Larches House, Comberton Road, Kidderminster DY10 3DS

- 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 & Mrs Parks against the decision of Wyre Forest District Council.
 - The application Ref 21/0631/HOU, dated 23 June 2021, was refused by notice dated 19 August 2021.
 - The development proposed is described as 'extension to detached garage to provide bedsit for owner'.
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Decision

- 1) The appeal is allowed and planning permission is granted for extension to detached garage to provide bedsit for owner at Larches House, Comberton Road, Kidderminster DY10 3DS in accordance with the terms of the application, Ref 21/0631/HOU, dated 23 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3571 and 3571/1.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The accommodation hereby approved shall only be occupied by dependant relatives of the occupiers of Larches House and at no time shall be sold off, sub-let or used as a separate unit of accommodation.
 - 5) The trees and hedges within the appeal site and/or any trees whose canopies overhang the site shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

Preliminary Matter and Main Issue

1. There is no dispute that the appearance of the extension would be acceptable, and I agree. In dispute is the potential for the use of the annexe as a separate unit. Therefore, the main issue in this appeal is whether the proposed annexe would provide suitable accommodation for dependants, having regard to the Council's policies.

Reasons

2. Larches House stands at the junction of Comberton Rd and Barnetts Lane. The property has a detached garage and large parking area close to the road junction. It is proposed to extend the garage to provide a residential annexe. The personal circumstances of one of the appellants lead to the requirement for an annexe to enable him to continue living there close to his family.
3. Policy SAL.DPL6 of the Core Strategy requires annexes to be incorporated into the existing dwelling to ensure that new residential development does not occur where it would not normally be permitted. This policy is reflected in emerging policy 8E of the Local Plan which has been submitted for examination and can therefore be given some weight. In this case the annexe would not be directly connected to the house and in this regard does not comply with Policy.
4. The evidence indicates that the proposed annexe would be used incidentally to the enjoyment of Larches House and would not result in a new planning unit as the Council fears. I further note the appellants' fall-back position that conversion of the existing garage to an annexe would not amount to the creation of a separate planning unit that required planning permission. Moreover, the Council's concern about the future use of the annexe could be controlled by a condition and such matters would be considered at the time any future planning application for a change of use was made.
5. Furthermore, the internal facilities shown are limited and would be insufficient to support a residential use. The size of the annexe would be well below the minimum floor space normally required for an independent unit. The proposal would not require a new access to the garage/annexe building, but in any event, the location of the site adjacent to a road junction and the overall site layout would limit any alternative points of access.
6. I have also taken into account that the private garden area around the sides and rear of Larches House is relatively small, with a large part of the overall plot given over to the garage and parking/turning area. Having regard to the site layout and the design of the host property, including the locations of windows, it would be problematic to erect an attached annexe without compromising the existing garden space and/or windows.
7. Whilst the proposal does not comply with Policy SAL.DPL6, the factors identified above provide sufficient justification for the proposal as a departure from the Local Plan, subject to a condition that would prevent the creation of a separate planning unit.

Conditions

8. For the avoidance of doubt and in the interests of proper planning I have identified the approved plans in a condition. A further condition is necessary which requires the use of matching materials in order to safeguard the

appearance of the area. As indicated above, it is reasonable and necessary to impose a condition to limit the occupation of the unit to prevent its use as a separate unit of accommodation. To preserve the character and appearance of the surrounding area I have imposed a condition requiring the protection of the boundary landscaping during construction.

9. The Council's Nuisance Assessment Team considered that the annexe window facing Comberton Road should be sound insulated. However, there is screen planting and a shed between the proposed window and Comberton Road. The two main windows would face the house and would be double glazed. I am satisfied that the annexe would be sufficiently sound-proof and that the suggested condition is not reasonably required.

Conclusion

10. For the reasons set out above, the appeal is allowed.

Elaine Benson

INSPECTOR