



Appeal Decision

Site visit made on 7 February 2022

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date 22 FEBRUARY 2022

Appeal Ref: APP/J0405/D/21/3287166

Cedar Farm Cublington Road Wing LU7 0LB

- 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 Gregory Taylor against the decision of Buckinghamshire Council.
 - The application Ref 21/01985/APP, dated 7 May 2021, was refused by notice dated 27 August 2021.
 - The development proposed is demolition of garage. Extension to provide ancillary accommodation and a new garage to the west with an interconnecting link.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's reasons for refusal includes reference to Policies GP9, GP11 and GP35 of the Aylesbury Vale District Local Plan. Following the decision on the application, the Council adopted a new Development Plan, the Vale of Aylesbury Local Plan (Local Plan). Nonetheless policies of the Local Plan, then emerging, were considered in the determination of the application Ref 21/01985/APP and the appellant has had the opportunity to address the changing policy context within the appeal documentation. As such it has not been necessary for me to seek further comments in this appeal. I must determine the appeal in accordance with the Development Plan in place at the present time. Accordingly, I have not considered the proposal against the policies set out in the Aylesbury Vale District Local Plan.
3. The Council amended the description of the development and I note that the appellant's agent has also utilised this description on the appeal form. I have used the Council's description as this provides a more succinct description.

Main Issues

4. The main issues in this appeal are (i) whether the proposal would constitute the creation of a separate residential unit and if so whether this would be contrary to both local and national policy in relation to new dwellings in the countryside and (ii) the effect of the proposal on the character and appearance of the host dwelling.

Reasons

Whether a separate residential unit

5. The appeal property, Cedar Farm ,a former agricultural dwelling, is a large bungalow, sited within open countryside located off the former Wing airfield and with a large industrial building to its side. The proposed annex would be intended to provide accommodation for visiting family members. The appeal documentation indicates that if the need for this use were to cease, the annex could be adapted to accommodate other uses including a home office or separate young adult accommodation.
6. The distinctive characteristics of a dwelling house have been described as its ability to afford to those who use it the facilities for day to day private domestic existence. Whether the use of an annex would involve the creation of a separate planning unit and independent unit of accommodation will be a matter of fact and degree in any particular case. Even if the accommodation provides facilities for independent day to day living it would not necessarily become a separate planning unit from the main house.¹ Each case must therefore be determined on its own merits.
7. In this instance, the annex would not be dependent on the main dwelling for dining or living facilities and would be capable of operating independently from it. It would have its own entrance which would open out to the amenity area in front of the bungalow. Whilst it would not be possible to access the annex from the bungalow, it would be sited alongside the proposed new garage within the side/front amenity area. Its vehicular access would also be derived from this amenity area. Given that there would be no available land at the rear of the annex to form any separate amenity space, it is likely that amenity space would also be shared. Taking into account the siting and layout of the annex, it is unlikely in my view that such sharing facilities would be satisfactory for the occupants of the bungalow if there were no familial connection between them and the occupants of the annex.
8. On the information before me and from my on site observations I am satisfied that there would be a functional link between Cedar Farm and the annex. I acknowledge the Council's concern that the building could be used as a separate dwelling but that is not the proposal before me. If the annex building is not built or used as proposed or if there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required, and the building would be at risk of enforcement action if such permission were not granted. Moreover the use and occupancy of the annex could be controlled by a suitable worded planning condition which would ensure the use of the annex would be ancillary to Cedar Farm.
9. For the above reasons, I conclude that the proposed development would not compromise a new self contained dwelling. Of the current Development Plan policies put to me by the Council I find Policy S2, which limits new housing development in rural areas to be the most relevant. Given my conclusion that the proposal would not create a new dwelling, the development would not conflict with this policy. Nor would it conflict with the National Planning Policy Framework (Framework) which is that new isolated homes in the countryside should be avoided.

¹ Uttlesford DC V SSE & White 1992

Character and Appearance

10. The proposed extension would be a considerably sizeable and notable structure. I accept that this does not automatically equate to harm. However by following the form and scale of the host dwelling through the alignment of the ridge, eaves, width and height, the annex would not appear to be a subservient extension. Despite the use of sympathetic materials and the design and smaller scale of the walkway, it would appear as a large substantial solid block adding a distinctive wing to the existing dwelling which would compete visually with the existing property. Further, the large picture window due to its size and design, would in itself be a dominant feature and would detract from the character and appearance of the existing dwelling. Whilst the Council's Design Guide Residential Extensions (Design Guide) advises that a successful extension recognises the shape of the existing building, it also specifies that extensions of similar form are generally acceptable if of subordinate size. This would not be the case in this instance.
11. There is some discrepancy in the calculation of the footprint of the proposed extension. Be that as it may, on the figures given in the appeal documentation the extension would result in a total increase of footprint of 55%. I accept that the site is a generous size. However the proposed extension would infill much of the land to the north of the bungalow and would result in the perception of a much larger and bulkier building.
12. Accordingly on this issue, I conclude that the development would cause unacceptable harm to the character and appearance of the host dwelling and the area. It would therefore conflict with Policy BE2 of the Local Plan which requires development to respect and complement the physical characteristics of the site including the scale and context of the site and its setting. It would also conflict with the Design Guide which provides that extensions should respect the character and appearance of existing buildings. Similarly, it would conflict with the Framework which requires new development to respond to local character.

Other Matter

13. The Council has raised no concerns with regard to the amenity of occupiers of neighbouring properties. Having regard to the distances between Cedar Farm and nearby dwellings I would agree with this assessment. However the absence of harm in this respect does not weigh in favour of the proposal.

Conclusion

14. Whilst I have found that the proposal subject to conditions would not result in the creation of a separate residential unit this does not outweigh the harm arising from the proposal as set out above and the conflict with the development plan as a whole. Accordingly for the reasons given above I dismiss the appeal.

K Winnard

INSPECTOR