
Appeal Decision

Site visit made on 8 February 2022

by J Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 28 FEBRUARY 2022

Appeal Ref: APP/N1160/D/21/3287104

102 Lucas Lane, PLYMOUTH, PL7 4EY

- 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 Clive Woodley against the decision of Plymouth City Council.
 - The application Ref 21/01416/FUL, dated 27 July 2021, was refused by notice dated 23 September 2021.
 - The development proposed is a single storey detached annexe (resubmission of 21/00129/FUL).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has clarified that the building would be occupied as a residential annexe by family related to the occupiers of No.102 Lucas Lane. It has not been advanced as a separate dwelling and I have determined the appeal on the basis that it is for an annexe.

Main Issues

3. The main issues are: a) Whether the proposal would appear as a subordinate residential annexe; b) The effect of the proposal on the character and appearance of the area; and c) Whether the proposal would make adequate parking provision.

Reasons

Whether a subordinate residential annexe

4. The proposed annexe would be a new standalone structure set in the garden of this detached property. There are residential dwellings adjacent to three sides of the garden which slopes steeply away from the rear of the house. The proposal would be cut into the slope with the existing lawn extended to form a green roof to the annexe.
5. The annexe would comprise two bedrooms with a bathroom and separate WC and a large living space. It would be accessed by stepping stones across the lawn immediately to the rear of the main dwelling.
6. The Council explains that the configuration of the inside of the annexe is the same as that previously proposed in a scheme for a separate dwelling, though without the kitchen/utility room but with the same general dimensions. The appellant has clarified that the building is proposed as accommodation for the

existing residents of the main house which would then be occupied by his daughter and her family.

7. Whilst the building would be 'self-contained' and have facilities for independent living inside, the building would share a garden, driveway, and parking with No. 102, as well as being in close proximity to the house. It would therefore share arrangements consistent with a residential annexe rather than a separate dwelling. Nonetheless the size of the building, notwithstanding the notional removal of the kitchen and utility from the earlier scheme, is significant in relation to the plot size. Though single storey, and cut into the slope of the garden, it would have a footprint greater than that of the main house. The access would be informal via stepping stones down the grassed bank but otherwise the annexe would have no other purposeful link or integration with the house. Moreover, the annexe would occupy most of the garden leading to an overcrowded arrangement of buildings on the site. Even if the occupation of the building were to be controlled via a planning condition it would not alter the arrangements described above.
8. Taking all these matters into account, the proposal would not appear or function as a subordinate residential annexe. Consequently, it would conflict with Policy DEV10 of the Plymouth & South West Devon Joint Local Plan (JLP); to the Plymouth and South West Devon Supplementary Planning Document (2020) (PSWDSPD) and the National Planning Policy Framework (The Framework). These policies, amongst other things, state that residential annexes should be clearly ancillary to the principal dwelling and have a functional link with the host dwelling.

Character and Appearance

9. The proposed annexe building would occupy most of the width of the garden, it would be located close to the eastern boundary and occupy around the middle third of the garden depth with the area around the building laid to lawn. Either side of the garden are residential uses and even though the roof is intended to be grass in order to blend in, the structure would be visible above the existing boundary treatments which would emphasise its bulk and scale.
10. The footprint of the building would be substantial in comparison to the host dwelling and would be dominant within the garden area particularly given the differing land levels. I saw that nearby gardens are not devoid of outbuildings however the proposal would appear markedly larger and more dominant. Even though the proposed building would be set into the fall of the land the location, magnitude, and detailing of the building would result in a contrived appearance giving the impression of squeezing it into a space for which it would appear too large. It would have a poor relationship with the host dwelling and would lack any visual unity or consistency with the buildings surrounding it.
11. Consequently, the bulk, mass and siting of the proposal would be at odds with the character of this residential area. Whilst other houses have outbuildings, this proposal is of an entirely different character. The size and scale would be harmful to the character of the rear garden and the pattern of development in the area, thereby adversely impacting upon its character. That impact would not be mitigated by the appellants' offer to limit permitted development rights.
12. In reaching this view I have carefully considered the appellants' wish to achieve additional accommodation on a site which is in a sustainable location, an

objective which is encouraged by the Framework in Section 11. I also note that the proposal would not result in a net gain of accommodation. However, paragraph 124 also focuses on the desirability of maintaining an area's prevailing character and makes specific reference to including residential gardens in that regard. No specific evidence of need has been put forward to justify this scale of development and as such the appellants' desire for additional accommodation does not outweigh the harm which would result to the character and appearance of the area.

13. Consequently, the proposal would conflict with Policies DEV10 and DEV20 of the JLP and to the provisions in the PSWDSPD and the Framework. These Policies seek to ensure that annexes should be integral parts to the main dwelling in order to function as a seamless part, rather than an unrelated addition, and where the development of garden space should not adversely affect the character of the area.

Parking provision

14. The scheme does not propose any additional parking for the plot which is currently served by an integral garage and two off-street parking spaces. The side access serves the properties No.100a and No.100b Lucas Lane and access to those properties would inhibit the provision of additional parking spaces for No.102. This land is within the control of the appellant and a reconfiguration of this area may be possible but is not what is proposed here.
15. It is noted that individual occupants parking needs may change over time and I note that the highway authority does not object to the proposal. However, I have to ensure that parking provision for the accommodation is sufficient and not just to meet the needs of the current occupant. As the addition of a two bedroomed annexe would inevitably increase the pressure for parking provision in an area which is already congested by on street parking, the proposal would lack adequate parking provision to serve the needs of both the house and the annexe.
16. For these reasons the proposal would conflict with Policy DEV29 of the JLP, the PSWDSPD and the Framework. These policies together seek to ensure that proposals for new accommodation provide adequate parking.

Other Matters

17. The appellant argues that a smaller building would fall within the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). He further highlights that alternative permitted development provisions have not been fully considered and that the fall-back position is a significant material consideration referring to case law which indicates that it only has to be a possibility to suffice¹. In this case the appellant contends that a structure of a similar footprint but with a lower roofline would fall within the provisions of the GPDO. It is not within the remit of this appeal for me to make any assessment of a smaller structure as this would be a matter for the Council in the first instance. In any event a smaller structure would have a lesser rather than a greater impact than the proposal before me and it does not therefore alter my findings.

¹ Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government [2009] & Zurich Assurance v North Lincolnshire Council [2012]

18. My attention has been drawn to alternative annexe proposals which have been granted within the Councils' area. However, the context for those decisions do not appear to be the same as for this scheme and I cannot be certain that the circumstances are such that the same outcome would be warranted. Whilst consistency of decision making is important, from the evidence before me I have not found that these comparisons alter my findings.

Conclusion

19. The appellant has highlighted the need for accommodation for older persons and I attach moderate weight to the appellants' personal circumstances and the desire to create facilities for multigenerational living. Nevertheless, personal circumstances rarely override the proper concerns of planning policy which has to balance the public good against individual benefit. Moreover, circumstances change, often quite quickly and inevitably relatively early in the life of a new permanent building. In this case the harmful effects of the proposal would remain long after the personal circumstances of the appellant and they do not outweigh the harms that I have identified.
20. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. On the basis of the evidence before me no exceptional circumstances have been demonstrated which would warrant a decision other than in accordance with the development plan.
21. For the reasons outlined above and having considered all other matters raised the appeal is dismissed.

J Wilson

INSPECTOR