



Appeal Decision

Site visit made on 1 March 2022

by J Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 8th March 2022

Appeal Ref: APP/V1260/D/21/3288135

3A Winston Avenue, POOLE, BH12 1PA

- 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 Mrs E Kirby-Kidd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/21/00930/F, dated 18 June 2021, was refused by notice dated 8 October 2021.
 - The development proposed is a replacement garage and single storey side extensions.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The reasons for refusal do not refer to design or amenity issues arising from the detailing or position of the extensions. The Council confirm in their delegated report that there would be no issues for adjoining properties in relation to overlooking, overbearing or overshadowing nor any loss of outlook. From the information before me I have no reason to disagree with that finding.
3. The application was made to the Council as a householder application involving two extensions to a domestic dwelling. However, the consequences of the proposed layout to block off an internal door and incorporate additional living space would create all the means for self-contained living. This would be tantamount to the creation of a self-contained unit of accommodation.
4. A revised plan removing any reference to a kitchen is contained in the appeal documents and is referred to in the Councils delegated report. However, that plan makes only descriptive changes to the rooms with no change to the layout. Moreover, the annotation of the rooms in the amended plan as an office and reception are not descriptors which are indicative of an annexe to a domestic dwelling. Whatever the configuration, the proposal would facilitate the subdivision of the property into two separate units which the Town and Country Planning Act 1990 makes clear constitutes a material change¹. It is also unclear as to whether the revised plan has been the subject of any re-consultation.
5. Whether accommodation of this nature constitutes an annexe is a matter of fact and degree. On the basis of the original plans, I consider the proposal would be tantamount to the creation of accommodation physically separate to the main house and I have treated the appeal as such.

¹ Section 55 (2B) (3) (a) Town and Country Planning Act 1990

Main Issue

6. Taking the above matters into account the main issue is whether the development complies with the Councils' development plan policy relating to proposals for multi-generational living.

Reasons

7. The pivotal issue in this case is the lack of integration between the enlarged part of the property and the main dwelling. The internal layout detailed in the application contains a clear vertical separation. This arrangement conflicts with Policy PP13 of the Poole Local Plan (2018) (the Local Plan) which makes provision for the expansion of a dwelling to provide a degree of independent living as part of a wider family unit subject to specific criteria. Those criteria include requirements for a functional connection with the main dwelling and for accommodation to be ancillary to the main property, features which this scheme lacks.
8. Consequently, the development would conflict with Policy PP13 of the Local Plan which seeks to ensure that accommodation for multi-generational living ensures a functional connection to the main dwelling in order to remain ancillary and within the same planning unit.
9. In reaching this conclusion I have considered the content of Policy PP27 of the Local Plan which refers to design relating to the extension or alteration of buildings. However, on the basis of the evidence, I have not found any substantive conflict with this policy.

Other Matters

10. The appellant highlights an appeal in 2018² which related to a barn and its use as ancillary accommodation. I do not find that case comparable in that it was not a planning application but an application for a certificate of lawful use or development. Moreover, that case did not involve development for which planning permission would be required as is the case here. That appeal finding does not therefore alter my conclusion.
11. The appellant asserts an incorrect interpretation in that there is no intention to create additional kitchen and points to the accommodation being a new office space. Elsewhere in evidence it indicates that the space is intended for a relative of the appellant to ensure they can live with a degree of independence. Moreover, the original submission shows the space is to be used as a living room and kitchen/diner. The alteration of the terminology used to describe the space does not change the fact that the spaces would be physically separate and capable of being used as separate units with no functional integration. On this basis I find that the Council made a reasoned assertion.

Conclusion

12. For the above reasons and having considered all matters raised the appeal is dismissed.

J Wilson INSPECTOR

² APP/R5510/X/18/3206551