

Appeal Decision

Site visit made on 11 March 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2022

Appeal Ref. APP/C1570/D/21/3287032 Pasha, 52 Garnetts, Takeley CM22 6RN

- 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 Cosar against the decision of Uttlesford District Council.
 - The application ref. UTT/21/0737/HHF, dated 3 March 2021, was refused by notice dated 26 August 2021.
 - The development proposed is "Conversion of existing garage/storage to residential annexe".
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing garage/storage to residential annexe at Pasha, 52 Garnetts, Takeley CM22 6RN in accordance with the terms of the application ref. UTT/21/0737/HHF, dated 3 March 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 numbered or annotated as: DC0321-A; DC0321-B; DC0321-C; DC0321-D; DC0321-E; and site plan/block plan.
 - 3) The residential annexe hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as Pasha, 52 Garnetts, Takeley CM22 6RN.
 - 4) In carrying out the conversion hereby permitted, both loft floor rear windows shall be fitted with obscure glazing and shall be permanently retained as such thereafter and shall be permanently fixed shut with only the high level fanlights opening for ventilation purposes, as shown on the approved plans.

Preliminary matters

2. The Council's decision notice does not record the submitted plans correctly on account of listing the letter 'C' as an 'O'. The relevant plans are set out in condition 2 above. Some of the internal works shown on the proposed floor plans have already taken place such as the turning of the staircase, the
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introduction of some kitchen units at ground floor level and the provision of a single bedroom in the front half of the loft floor. The ground floor passageway to the main dwelling has not as yet been filled in as proposed.

3. The Council's Delegated Officer Report refers to the 2 neighbouring properties to the east of the appeal site as nos 51 and 51a Parsonage Road when in fact they are known as nos 51 and 51a Garnetts, as is also apparent from the Council's application and appeal notification procedures.
4. Takeley Parish Council said it was unclear from the plans whether the annexe is attached to the existing property or whether it is intended to create a separate address with a garden. Looking at the block plan on plan ref. DC0321-E and the unnumbered site plan/block plan, a degree of confusion may indeed arise as the terms proposed granny annexe, new dwelling, new dwelling (granny annexe) and proposed dwelling appear almost interchangeably. Nonetheless, it is clear that the application was registered, validated and advertised as a proposal for a residential annexe in accordance with the description of the proposal on the application form, the details on the design and access statement, where it was indicated that one of the appellants' children wished to reside in the annexe, and the red edge of the application site which surrounds the whole site of 52 Garnetts.

Main issues

5. The main issues relate to the intended occupation as a residential annexe and to the matters of amenity and privacy and private amenity space.

Reasons

6. The appeal site is within a residential area of Takeley. It contains a detached bungalow with rooms in the roof space at its eastern end. The front and rear dormers at that end were built pursuant to a planning permission issued in May 2017 under ref. UTT/17/0758/HHF. The appellants wish to provide a residential annexe in the eastern end of the building. This would offer a living room and kitchen on the ground floor with a bedroom and a shower/WC room on the loft floor. The ground floor passage to the main dwelling would be blocked up.
7. The Council approached the case on the basis that the proposal would effectively amount to a separate dwelling from the main house. Even though the Council accepted the principle of such a dwelling, it is important that I consider the proposal as applied for. There is no separate dwelling before me. I restate that the application was registered, validated and advertised as a proposal for a residential annexe.
8. In any event, even though the annexe would provide the facilities required for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling. As a matter of fact and degree, the accommodation would plainly be capable of being occupied as an annexe, taking into account the following: the intended occupier would be a close family member who is likely to share various living activities with the family in the main dwelling; the whole site of 52 Garnetts would remain owned by the appellants with no suggestion of there being separate titles, bills or postal addresses or any letting to tenants; the accommodation would directly adjoin the main house with the access, parking and garden areas capable of being

shared; and the floor space of the annexe would be far smaller than the floor space of the main dwelling.

9. The intended occupation is therefore as a residential annexe. I have assessed the proposal as such and in the knowledge that it is possible through the imposition of a planning condition to restrict the future use of the annexe to purposes ancillary to the residential use of the main dwelling, as noted by the appellants. I return to this matter at paragraph 16 below.
10. Whilst no concerns about any potential loss of privacy were lodged by any neighbouring occupiers, the Council pointed, in particular, to the direct views over the private amenity space at 51 Garnetts that are available from the full height, rear loft floor windows. However, the plans actually show that those windows are to be altered so that they contain obscure glazing with narrow opening fanlights at the top for ventilation purposes. This would match the treatment currently displayed in and proposed for the adjacent window to the shower/WC room. This design would ensure that the enjoyment of that neighbouring garden and any other nearby back gardens would not be seriously compromised for any reason. Since the full height, rear loft floor windows would serve a landing area across the space between the bedroom door, the top of the stairs and the shower/WC door, rather than a main habitable room, obscure glazing would be acceptable in terms of the amenities of the future occupiers of the annexe.
11. The proposed residential annexe would therefore avoid any significant detrimental impacts on the amenity and privacy of the occupiers of the existing host property and neighbouring dwellings. As such, there would be no conflict with the aims for good design and neighbourliness set out in Policies GEN2 and GEN4 of the Uttlesford Local Plan 2005 (LP). Similarly, there would also be compliance with the National Planning Policy Framework (the Framework) which seeks to ensure developments create places with a high standard of amenity for existing and future occupiers.
12. The Council said that the proposal fails to demonstrate how the private amenity space will be separated from the host dwelling, thereby leading to a concern that the private amenity space would not be of sufficient quality. The position of the residential annexe on the plot immediately adjacent to the angled boundary with 51 Garnetts would be likely to lead to a rather contrived area of rear private amenity space and awkwardly placed boundary structures, if the proposal was being considered as an entirely separate dwelling. However, when considered as an ancillary residential annexe, I agree with the appellants that there can and should be shared use of the existing garden area, rather than separate garden spaces demarcated by physical structures. In such circumstances, I find no conflict with LP Policy GEN2, the Framework or the Essex Design Guide.
13. The Council and the Highway Authority found that the scheme would comply with the relevant vehicle parking standards and did not raise any highway safety issues. I have no reason to disagree with that stance, especially after observing at my site visit how 5 cars were comfortably parked on the front driveway across the width of the host property.

14. I have considered the 3 conditions advanced by the Council in its questionnaire and the single condition suggested in the appellants' statement in the light of the advice in the Framework and the Planning Practice Guidance.
15. In addition to a condition setting a time limit for the commencement of development, a condition requiring that the development is carried out in accordance with the relevant approved drawings is necessary as this provides certainty. I have not imposed a condition requiring the use of matching materials since the proposed development does not require the use of any new external walling or roofing materials.
16. The development is likely to remain in place long after the need which gave rise to the application has gone and the appellants recognise the need for a condition to control the future use of the proposed annexe. I find that it is necessary and reasonable for a condition restricting the annexe to ancillary usage. This will reflect the purposes stated by the appellants whilst the use of the annexe for other purposes might raise wholly different considerations which could well be unacceptable in planning terms.
17. In the interests of privacy, I have included a condition about the treatment of the rear loft floor windows, pursuant to my considerations in paragraph 10 above. Since the condition would simply reflect what is shown on the submitted drawings, it should not come as a surprise to the parties.
18. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

Andrew Dale

INSPECTOR