



Appeal Decision

Site visit made on 4 May 2022

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/N1730/D/22/3290507

The White House, Elms Road, Hook RG27 9DP

- 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 and Mrs Child against the decision of Hart District Council.
 - The application Ref 21/02287/HOU, dated 31 August 2021, was refused by notice dated 8 November 2021.
 - The development proposed is partial conversion of double garage with playroom to ancillary accommodation, as an annex to The White House, with external alterations.
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Decision

1. The appeal is allowed and planning permission is granted for partial conversion of double garage with playroom to ancillary accommodation, as an annex to The White House, with external alterations at The White House, Elms Road, Hook RG27 9DP in accordance with the terms of the application, Ref 21/02287/HOU, dated 31 August 2021 subject to the following condition:
 - 1) The converted garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The White House and shall not be sold off, sub-let or used as a separate unit of accommodation.

Preliminary Matters

2. The proposed conversion and external works that are the subject of this appeal have already been completed. I have proceeded to consider the appeal on that basis.

Background and Main Issue

3. The officer report refers to the original permission¹ for the double garage with a playroom over as being restricted to prevent the creation of a separate unit of accommodation. The Council's decision notice refers to the proposal being tantamount to the creation of a new dwelling. It does not specify the harm that would arise from this but refers to conflict with Policy NBE9 of the Hart Local Plan (Strategy and Sites) 2032 adopted 2020 (the HLP) and Saved Policy GEN1 of the Hart District Local Plan 2006 (the HDLP). These policies seek proposals that are a high quality of design, in keeping with local character and that cause no material loss of amenity to adjoining residential uses.

¹ Council Ref: 97/00521/FUL

4. I have therefore identified that the main issue is whether or not the proposed development would amount to a separate dwelling and, if so, whether that would be appropriate having regard to design and local character.

Reasons

5. The appeal building was a detached double garage with a playroom area at first floor partially set within the roof. The building is located within the garden next to The White House from which it is separated by a few metres. Works of conversion have already been undertaken with one of the garage doors replaced by a window and a window within the side elevation replaced by a door. Internally, there is a kitchen and dining area at ground floor, with an internal staircase providing access to a living room, bathroom and bedroom on the first floor.
6. The appellants have indicated that the proposed building would be ancillary to the host property and not used as a separate dwelling. The proposed annex is intended to provide accommodation for the appellant's elderly mother who has deteriorating mental and physical health.
7. Whether or not the proposal would become a separate planning unit, in this case a dwelling, from the host property is a matter to decide on a fact and degree basis.
8. The annex would be reasonably spacious and provide all the facilities required for day-to-day living to enable it to function as a self-contained unit without any form of dependency on the host dwelling. However, the annex would share a garden and driveway with the host property along with its services and utilities. It would be located at the same address and occupied by a member of the appellants' family.
9. The annex is physically close to the host property which, whilst not preventing its severance, would result in a cramped form of development that would be out of character with the more spacious arrangement of properties at this end of Elms Road. Furthermore, the relationship between the two buildings is such that the first floor windows of the annex would overlook a patio area adjacent to the back door of the host property. These windows would also face towards upper floor windows within the flank wall of the host property. This would result in unsatisfactory living conditions for the occupants of the host property. In these circumstances, the occupation of the annex by anyone other than a family member or guest of the occupants of the main house would be unlikely and undesirable.
10. I consider any severance of these properties would amount to poor design due to its relationship with the host property and would harm the character of the area. However, a planning condition could be imposed to secure the use of the annex for purposes ancillary to the occupation of the main dwelling. Such a condition would be reasonable and necessary in the interests of good design and the character of the area as well as to protect the living conditions of occupants of the host property. The condition would also be enforceable through occasional monitoring.
11. I conclude that the proposed annex could be occupied either ancillary to the main house or independent of it. If occupied as a separate dwelling it would be harmful for the reasons I have set out but this could be prevented by way of a

planning condition. With such a condition, independent occupation of the annex could not lawfully occur and therefore no separate dwelling or planning unit would be created, thereby retaining the proposed annex as ancillary to the host property. Consequently, the proposal would accord with Policy NBE9 of the HLP and Saved Policy GEN1 of the HDLP as referred to above.

Conditions

12. The development has already commenced so it is unnecessary to impose a planning condition outlining a commencement period. Other than the condition in relation to occupancy as referred to above, there are no other conditions required.

Conclusion

13. For the reasons given I conclude that the appeal should succeed.

Rachael Pipkin

INSPECTOR