
Appeal Decision

Site visit made on 9 August 2022

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st September 2022

Appeal Ref: APP/D3505/D/22/3299914

The Courtyard, Coram Street, Hadleigh, Ipswich, IP7 5NR

- 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 Lichtensteiger-Keeble against the decision of Babergh District Council.
 - The application Ref. DC/22/01204, dated 28 February 2022, was refused by notice dated 25 April 2022.
 - The development proposed is erection of ancillary outbuilding (serving "The Courtyard") with guest accommodation over.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (1) whether the size and accommodation of the proposed annexe would constitute a separate dwelling; and (2) the effect of the proposal on the character and appearance of the dwelling and the area.

Reasons

Separate Dwelling

3. The appeal property is a detached 'barn-style' house located in a cluster of dwellings, some still under construction. This group is within a rural area to the west of the town of Hadleigh. The dwelling comprises single- and 1½-storey elements, with rooms in the roof space. There is a large outbuilding opposite the dwelling which includes 3 open parking bays and one with garage doors.
4. The proposed annexe would create a double garage and machine store at ground floor, and self-contained one-bedroom accommodation above. However, case law¹ has established that, even if accommodation provides facilities for independent day-to-day living, that of itself would not necessarily mean that the accommodation would become a separate planning unit from the main dwelling. Instead, it would be a matter of fact and degree, including how the accommodation would be used.
5. The appellants have set out the proposed occupancy of the first-floor of the building as overspill accommodation for visiting family and friends; and to park

¹ Uttlesford DC v SSE & White [1992]

vehicles and machinery serving the main house at ground floor. On the basis of the description of the development as applied for and the information provided, I am satisfied that there would be sufficient functional and practical relationship with the main house to constitute an annexe to the dwelling, as required by Policy HS35 of the Babergh Local Plan (LP). I share the appellants' view that the siting of the proposed building relative to the main house would make its use as a separate dwelling both unlikely and unviable.

6. In the event of the proposal proving acceptable in design and visual impact terms, an appropriately worded planning condition could provide sufficient safeguards to control occupancy of the building; any subsequent change of use of the building to create a separate dwelling would require express planning permission. Whilst I appreciate the Council's analysis of the proposal as a separate unit, having regard to case law, that is not the proposal before me and I have determined the appeal accordingly.
7. I therefore conclude that, as a matter of fact and degree, and based on the evidence before me, the proposal would be an annexe to the main house. It would not constitute a separate dwelling or planning unit. Subject to an occupancy restriction, on this point the proposal could accord with the aims of LP Policy HS35. In terms of principle, I find no conflict with Policy CS1 of the Babergh Core Strategy & Policies 2014 (CS), nor CS Policies CS2 and CS15, which relate to the Council's settlement pattern approach and the achievement of sustainable development.

Character and Appearance

8. LP Policy CN01 requires all new development to be of appropriate scale, form and detailed design for the location. The appeal property is located within a loose-knit group of dwellings, and their spacious plots are set within a wider countryside location. In this context, the size and siting of the annexe would create an urbanising concentration of buildings that would reduce the sense of space between the host house and its existing outbuilding opposite.
9. The closest elements of the existing dwelling and cartlodge to the proposal are single-storey. This would make more obvious the high eaves, ridge height and dormer windows of the proposed building, which would appear overly large and intrusive viewed between the existing buildings. Its scale would be significant relative to the host house, and the use of good quality matching materials would not mitigate its bulk and visual impact.
10. The appellants have identified examples of 'horseshoe' building layouts in the area. However, there is no information before me on the planning permissions granted for these developments (if any), and the planning policies against which they were assessed. In any case, it is the size and scale of the building and its effect on the group, as opposed to the principle of a courtyard arrangement, which I have found to be harmful in this instance.
11. I note the appellants view that it is difficult to see how the accommodation could be made smaller. However, the combination of uses within the building and the amount of living space proposed translates into a building of significant footprint and height.
12. I therefore conclude that the size, scale and siting of the proposed building would have an urbanising effect that would detract from the character and

appearance of the host dwelling and its setting. This would be contrary to the design aims of LP Policy CN01. I find no conflict with LP Policy HS35 which focuses on the functional and practical linkages between an annexe and the main dwelling, rather than its scale and visual impact.

Other Matters

13. The appellant has cited planning permissions granted for annexes in the Babergh and Mid Suffolk area, but no plans or decision notices have been supplied, and there is limited information on the reasoning behind the grants of permission. On the basis of the detail provided, it would seem that some are of similar size or larger than proposed in this case, and appear to offer support in principle to a self-contained detached annexe. However, in the absence of fuller details of those developments and site contexts, I cannot gauge a direct comparison with this proposal: for example, in one case, the eaves and ridge heights were materially lower than in this proposal; in another, a larger annexe was considered of appropriate scale to a "sizeable country house"; and in another, the annexe could only be accessed via the host house. As such, these decisions do not justify allowing the appeal proposal.
14. The Council considers that the site is in a remote and unsustainable location. Little information has been supplied about the justification for the grant of planning permission for dwellings on this and neighbouring sites. Nevertheless, as I have found this proposal to be unacceptable as an annexe on the basis of its design and visual impact, the issue of sustainability of location is not a factor in my assessment.

Conclusion

15. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR