



Appeal Decision

Site visit made on 12 July 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday 12 September 2022

Appeal Ref: APP/R1845/W/22/3293127

12 Trimpley Lane, Bewdley, Worcestershire DY12 1JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Michael Morris against the decision of Wyre Forest District Council.
 - The application Ref 21/0641/HOU, dated 25 June 2021, was approved on 26 November 2021 and planning permission was granted subject to conditions.
 - The development permitted is erection of front and rear extensions to existing garage to create residential annex.
 - The condition in dispute No 4 which states that: "The annexe hereby approved shall remain permanently in the same ownership as 12 Trimpley Lane, Bewdley, and shall at no time be sold, let or otherwise severed from the main property."
 - The reason given for the condition is: "To define the permission and to ensure that the building does not result in the creation of a separate planning unit in accordance with the requirements of Policy SAL.DPL2 of The Site Allocations and Policies Local Plan."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council adopted the Wyre Forest District Local Plan 2016-2036 in April 2022. This has superseded any relevant policies of both the Core Strategy and the Site Allocations and Policies Local Plan. The Council has provided copies of the relevant policies of the new Local Plan, and the appellant has commented on these new policies. I have therefore considered the appeal on the basis of the policies contained in the new Local Plan.

Background and Main Issues

3. Planning permission has been granted for the erection of front and rear extensions to an existing garage to create a residential annexe to 12 Trimpley Lane. The appeal seeks permission to carry out the development without complying with condition 4 which requires the annexe to remain permanently in the same ownership as 12 Trimpley Lane, and at no time be sold, let or otherwise severed from the main property.
4. The main issues are whether the condition is reasonable or necessary in the interests of: -
 - the character and appearance of the area; and
 - the living conditions of existing and future occupiers, in respect of privacy and private amenity space.

Reasons

Character and Appearance

5. The appeal site is a large, detached dormer bungalow, occupying a corner plot at the junction of Trimpley Lane and Meadow Rise. The garage which would be extended and converted under the appeal proposal sits immediately adjacent to the dormer bungalow and would be linked to the bungalow with a shared entrance hall. There is a variation in the character of the area, including detached properties, of various styles and sizes, and semi-detached hipped roofed properties. However, where other detached bungalows exist, they are generally positioned in larger than average plots.
6. The appeal proposal seeks to remove the disputed condition to allow the annexe to be used independently from 12 Trimpley Lane. The appellant states that they need to 'let part of the property to fund the changes and to maintain our quality of life'. The intention of the appellant would be to sub-divide the site and therefore, the appeal before me seeks to create a new separate dwelling, independent from No 12.
7. I note from the Officer's report associated with the original planning permission that the design of the proposal, when it was assessed as an annexe, was 'of good design and harmonised with both the host and the garage building to which they connect'. However, what is before me now is a separate unit of accommodation. The design of the garage extensions would be respectful of the character and appearance of No 12 and the wider area. However, the creation of a separate planning unit in such close proximity to No 12 would result in a cramped development, at a much higher density than the local context. Whilst I appreciate that the annexe has only one bedroom, as a result of the proposal, there would then be two households within the site instead of one. Consequently, the plot size of the new separate unit would be uncharacteristically small for the area.
8. The proposal would harm the character and appearance of the area, as a result of its density and layout. It would be in conflict with Policy DM.2 of the Wyre Forest Local plan (2016-2036) (Local Plan) (adopted April 2022) which supports residential development on infill plots within the settlement boundary of the three main towns provided that they contribute to the existing character of the area in terms of design, density and layout. It would also conflict with Policy SP.13 of the Local Plan which states that the development of annexe accommodation will be supported but that it is important to ensure that annexes do not become physically separate dwellings where new dwellings would not normally be permitted. It would also conflict with Policy SP.20 of the Local Plan which requires development to exhibit high quality design which integrates effectively with its surroundings.

Living Conditions

9. As set out above, the appeal proposal would result in a separate dwelling being situated immediately adjacent to No 12. I have concerns regarding the privacy of both the existing and future occupiers. A set of patio doors would be inserted in the side elevation facing the rear garden of No 12, which would result in direct overlooking of the garden associated with No 12. The patio doors would also allow incidental views into the rear of the main dwelling. No boundary treatment has been marked on the plans between No 12 and the proposal.

Given the sensitive relationship between the two properties, it is unclear as to how the proposal would provide satisfactory privacy for both the existing occupiers of No 12 and those occupying the new dwelling.

10. Furthermore, no evidence has been provided as to what private amenity space the 2 separate units would be provided with. Based on the evidence before me, I am not convinced that adequate private amenity space could be provided for both future and existing occupiers.
11. Therefore, the proposal, should it be used as a separate residential unit, would harm the living conditions of both the existing occupiers of No 12 and the future occupiers of the proposal, in respect of privacy and private amenity space. The proposal would conflict with Policies DM.2 and DM.25 of the Local Plan, which, in combination, seek to ensure that there are no adverse impacts associated with overlooking and that development should not have a serious adverse effect on the amenity of neighbouring residents or occupiers.

Other Matters

12. The appellant makes reference to other properties which have been sub-divided in a similar way. However, no further details have been provided. Nevertheless, the circumstances in each proposal are likely to be different, and in any event the fact that an apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out.
13. I note the appellant has encountered issues during the course of the planning application, including being misinformed about the relevant constraints associated with the appeal site and allegedly following advice given as part of a pre-application enquiry. Whilst these matters may have caused some regrettable frustration to the appellant, the Council is not bound by any comments given as part of a pre-application enquiry and this is not a matter to which I can ascribe weight in this decision.
14. I also note that the Highway Authority did not object to the development and was satisfied that there was sufficient space for vehicular and cycle parking to serve both No 12 and the proposal. I have no reason to come to a different conclusion on the matter. I am also satisfied that there is sufficient space on the site to accommodate any required bin storage.
15. I note the lack of objections from any neighbours and the environmental benefits of reusing an existing dwelling and garage to provide 2 separate dwellings on the site. However, these matters do not alter or outweigh my findings on the main issues set out above.

Conclusion

16. I conclude that the disputed condition is both reasonable and necessary in the interests of the character and appearance of the area and the living conditions of both existing and future occupants, in respect of privacy and private amenity space. I therefore dismiss the appeal.

Laura Cuthbert

INSPECTOR