

Appeal Decision

Site visit made on 16 September 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 October 2022.

Appeal Ref: APP/V1260/D/22/3303075

10 Winston Gardens, Poole, Dorset, BH12 1PN

- 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 Paul Booth against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref APP/22/00677/F, dated 10 May 2022, was refused by notice dated 29 June 2022.
 - The development proposed is part conversion of existing garage/workshop to annexe.
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Decision

1. The appeal is allowed and planning permission is granted for the part conversion of existing garage/workshop to annexe at 10 Winston Gardens, Poole, Dorset, BH12 1PN in accordance with the terms of the application Ref APP/22/00677/F, dated 10 May 2022, subject to the conditions set out in the attached Schedule.

Main issues

2. The main issues are whether the proposal is compliant with local policy in respect of the provision of residential annexes, and the effects on ecology.

Reasons

3. The outbuilding subject of the appeal stands cheek by jowl with the main dwelling that it serves. The ground floor is currently used as a workshop, a small studio, domestic storage and garaging space. A narrow staircase leads to a loft. I saw that the active uses made of the building were incidental to the use of the host property.
4. The appellants propose using part of the outbuilding as a residential annex. To this end, the loft floor would be lowered, and a new staircase installed. What is now a workshop on the ground floor would be converted into a utility room, including a shower and toilet. The studio and garaging space would remain. The upper floor would be used for what is described on the plans as '*open plan living/sleeping*', and new glazed openings would be inserted in an end elevation to provide more natural light and an outlook.
5. The proposed development would, as now, rely on a common shared vehicular access with the main dwelling, and adequate parking is available for the proposed occupants. There is no convincing evidence that I am aware of that the proposed annexe, together with the main dwelling house, would not remain as a single planning unit, indeed, the evidence before me points distinctly the other way; the use of the outbuilding as an annexe would not have an adverse

impact upon the character and amenity of the main dwelling, or neighbouring properties. Thus, to this extent, most of the criteria of Policy PP13¹ are satisfied.

6. Judging from the plans and application form, the proposal is intended to provide a limited amount of living accommodation on an ancillary basis, and a condition to regulate the use of the accommodation for this purpose could be imposed in the event of this appeal succeeding. Thus, there is no good reason to conclude that the second criterion of Policy PP13 is or could not be satisfied.
7. However, it is evident from the officer report on the application that the applicants' proposals have been treated with some suspicion. All in all, the Council remains unconvinced that the converted building would have a functional relationship with the main dwelling and considers the proposal, in the light of some of the facilities to be provided, would be '*tantamount to a new dwelling*'.
8. I do not see the proposal in that light, and some of the Council's observations appear to me to be based on conjecture. Most residential annexes, in my experience, contain elements for everyday living, providing a degree of independence for its occupants, such as is clearly envisaged in LP Policy PP13. The accommodation proposed in this annexe is no different to many I have seen, and there is nothing in the documentation before me to conclusively indicate an intent to provide an independent residential unit. As already indicated, its future occupancy may be regulated by condition with a view to preventing it becoming a separate unit of accommodation.
9. Just to the rear of the appeal site is the boundary of the Alder Hills Nature Reserve Site of Specific Interest (SSSI), an area of Heathland. Such areas are given protection in the LP² in that no residential development involving a net increase in dwellings will be permitted within 400m of its boundaries. Since I have found that there would be no net increase in dwellings, this policy is not directly applicable to the proposal. Moreover, no specific, convincing, evidence has been provided that the proposed development would harm local ecology, and I have no reason to suspect that any harm would ensue.
10. I therefore conclude that, subject to the imposition of an appropriate condition, the proposal is consistent with the provisions of LP policy PP13 and not in conflict with LP policy PP32. No convincing evidence has been presented to persuade me that the proposal would harm local ecological interests.

Conditions

11. It is necessary in the interests of certainty that the development should be carried out in accordance with the approved plans.
12. To ensure that the proposed accommodation is used for its intended and stated purpose, and in the interests of safeguarding local ecology, the Council's suggested occupancy condition shall be imposed, albeit in a slightly modified form.

¹ Policy PP13 of the Poole Local Plan (LP) – a presumptive policy in favour of proposals for the expansion of a dwelling to provide a degree of independent living, subject to satisfying certain criteria.

² Policy PP32 – directed to protect Poole's nationally, European and internationally important sites for ecology and nature.

Other matters

13. All other matters referred to in the representations have been considered, including concerns raised by a neighbouring resident. However, there would be no increase in the height of the building, and I have already dealt with ecological issues.
14. No other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Ref RG/703/003B; 004A and 005.
3. The annexe hereby permitted shall be used solely for purposes ancillary to the dwellinghouse known as 10 Winston Gardens and shall not be used or let at any time as a separate unit of residential accommodation or for holiday let purposes.