



Appeal Decision

Site visit made on 1 November 2022

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th December 2022.

Appeal Ref: APP/V3310/D/22/3294208

The Bartons, Stockland Bristol, Bridgwater, Somerset TA5 2PY

- 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 Lee Addicott against the decision of Sedgemoor District Council.
 - The application Ref 47/21/00006 AGE, dated 29 July 2021, was refused by notice dated 13 January 2022.
 - The development proposed is erection of detached garage/tractor store with first floor ancillary accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development used in the banner heading above is that given by the local planning authority. I have used this description as it more accurately describes the development proposed than that given on the application form.
3. From the evidence before me it is apparent that planning permission has been granted at the same site and for the same footprint of development. At my site visit I noted that this appears to have commenced. However, the appeal is for a different development, and I have assessed the appeal on this basis.

Main Issues

4. The main issues are:
 - whether the proposal would be ancillary to the existing dwelling or form a separate dwelling, and, if it were to be regarded as a separate dwelling, whether the proposal represents an appropriate location for housing having regard to the spatial strategy within the development plan; and,
 - the effect of the proposal on the living conditions of neighbouring occupiers with regard to privacy.

Reasons

Ancillary or separate dwelling

5. The proposed residential accommodation would be detached from the main dwelling above a garage/store. Although its access off the highway would be shared with the existing dwelling, the accommodation would benefit from a

kitchen, lounge, shower room, toilet, and bedroom. The building is proposed to be located down an existing access ramp at a lower level to the rear of the main dwelling and would be occupied by the appellants son (and his partner).

6. Policy D12 of the Sedgemoor Local Plan – Adoption Version 2011-2032 (LP), states that annex accommodation will be supported where the eight listed criteria are met. The Policy goes on to state that it will generally be expected that annex accommodation is provided through adaptation or extension of the main dwelling. It further states that where free standing annexes are proposed in the curtilage of the main dwelling, it should be clearly justified why extension or adaptation of the main dwelling is not possible or desirable.
7. In relation to the eight criteria to Policy D12, I find that the proposal complies with seven of them. This includes demonstrating a genuine need for the accommodation, providing adequate parking and amenity facilities, a lack of boundary demarcation or garden sub-division, and it being of a suitable scale and appearance.
8. The criteria that the proposal fails to comply with is in demonstrating a clear dependency and functional link between the accommodation and the main dwelling. Whilst I note that shared access is proposed, the appellant in his statement of case refers to the proposal allowing independent living. The planning statement accompanying the planning application refers to the accommodation as a separate dwelling. The evidence provides limited information with regard to the functional link between the two buildings. I note the shared garden but do not have information in relation to any dependency on the existing house. Nor do I have details of what facilities within the main house would be relied on. This is relevant given the distance from the appeal building to the main dwelling, and its location at a lower level. I find that the relationship makes any dependency and functional link less clear. The appeal therefore fails to demonstrate a clear dependency and functional link between the annex and the main dwelling.
9. In addition to the above, I do not have evidence that clearly justifies why the extension or adaptation of the main dwelling is not possible or desirable. I note that the appellant believes that a further extension would spoil the street scene and look and feel of the village. However, in light of the varied design of dwellings in the immediate area and lack of any further explanation, this does not clearly justify why an extension or adaptation of the main dwelling is not possible or desirable. This is particularly relevant given that the information before me indicates that consent has been previously granted for the conversion of the garage to form ancillary accommodation.
10. Considering the above, I find that the proposal comprises a separate dwelling and not ancillary accommodation for the purposes of Policy D12 of the LP. In light of this, it would not be reasonable or appropriate to condition that the building remain ancillary to the existing dwelling.

Location for housing

11. The site is located in the countryside. Policy CO1 of the LP seeks to ensure that the development of new housing in the countryside is only permitted where it complies with other policies in the development plan. I have not been provided with any such policies that the proposal would comply with to justify its location in the countryside.

12. Although I acknowledge the need and benefit from the accommodation for the appellant and his family, I do not find that this represents a specific countryside need as required by Policy CO1. It is not essential that the building be located in the countryside, and I do not have adequate evidence before me to demonstrate that this location is more sustainable or enhances the environment.
13. In conclusion, in relation to this matter, the proposal would lead to the creation of a new dwelling in the countryside and would not be an appropriate location for housing as proposed. As a result of the above analysis, the appeal proposal would conflict with the spatial strategy for the location of housing outlined in the development plan. It is therefore contrary to Policies CO1 and D12 of the Sedgemoor Local Plan – Adoption Version 2011-2032 which, amongst other things, seeks to direct new housing to sustainable locations, and only supports annexes where there is a clear dependency and functional link to the main dwelling, and where extension or adaptation of the main dwelling is not possible or desirable.

Living conditions

14. The proposed development would benefit from a balcony, a window to the front elevation, a window in a gable to the side elevation, and three dormer windows serving the first-floor accommodation.
15. Due to the location of the balcony, views from it would mainly look out over land in the appellants ownership and towards the very bottom of the garden to Sunny Lawn. There would be very limited views back towards the bottom of the garden to Hunters Moon. Any unacceptable levels of overlooking of neighbouring gardens from the balcony could be prevented through a condition to provide solid or obscure glazed balcony screens to the side of the balcony at a suitable height. A condition could also secure obscure glazing of the window to the bedroom in the front elevation. This would prevent any harm from overlooking back towards Hunters Lodge.
16. However, the proposal would result in direct views from the three dormer windows and gable window towards the garden area to the rear of Sunny Lawn. I note that the boundary of the appeal property with Sunny Lawn is formed from a post and rail fence with planting, but this would provide limited screening from the upper floor accommodation. Whilst more landscaping could be provided to this boundary and secured by condition, such planting would take time to establish and as such would not mitigate the harm identified.
17. I acknowledge that the dormer and gable windows would not directly face any windows or the garden area immediately at the rear of Sunny Lawn. I also acknowledge that the garden to Sunny Lawn is already overlooked from the rear of the appeal property. However, the whole of the garden appeared to be well kept and used at the time of my site visit. The proposed windows would more directly face the garden area than the existing dwelling, in close proximity to the party boundary, introducing raised views back towards the garden in a direct manner that does not currently occur. Due to the location of the windows, the users of the garden to Sunny Lawn would be aware of the presence of the windows that would create a greater level of overlooking and loss of privacy.

18. In relation to this matter, on the basis of the evidence before me, I conclude that the proposal would have a harmful effect on the living conditions of neighbouring properties with regard to loss of privacy. Accordingly, the proposal would not comply with Policies D2 and D25 of the Sedgemoor Local Plan – Adoption Version 2011-2032 which seek to ensure, amongst other things, that the amenity of occupants of nearby buildings is protected.

Conclusion

19. For the reasons given above I conclude that the appeal proposal conflicts with the development plan taken as a whole. There are no considerations which indicate a decision other than in accordance with the development plan. The appeal should be dismissed.

C Rose

INSPECTOR