



Appeal Decision

Site visit made on 28 February 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2023

Appeal Ref: APP/R4408/D/22/3306103

Ivy Cottage, 14 First Avenue, Royston, Barnsley S71 4DA

- 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 Ian Owen against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2022/0361, dated 5 April 2022, was refused by notice dated 8 July 2022.
 - The development proposed is conversion of detached garage to granny flat.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of detached garage to granny flat at Ivy Cottage, 14 First Avenue, Royston, Barnsley S71 4DA in accordance with the terms of the application, Ref 2022/0361, dated 5 April 2022, subject to the conditions below:
 - 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: Block Plan (1:500 Rev C) and Plans and elevations (April 22 Rev A).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing garage.
 - 4) The building hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Ivy Cottage, 14 First Avenue, Royston.

Preliminary Matters

2. I saw at my site visit that development is underway in relation to a previous permission for a detached garage and is substantially complete. The overall proportions appear to accord with those shown on the submitted plans. However, amendments are proposed to the detailed design of the building and as such I have determined the appeal on the basis of the submitted plans.

Main Issues

3. The main issues are the effect of the proposal on:

- the living conditions of existing occupiers of the existing dwelling and the future occupiers of the proposed annex, with regard to privacy, noise and disturbance; and
- the character and appearance of the area.

Reasons

Living Conditions

4. The appeal proposal involves the conversion of the garage to an annex. There would be no change to the size of the existing building however amendments to the openings are proposed. The proposed annex would include a lounge, bedroom, bathroom and store, providing accommodation for elderly relatives.
5. The Council raise concerns as to whether the building could be used separately as a self-contained dwelling. The proposed annex falls within the curtilage of the main dwelling. It is not shown as a separate planning unit, would have a direct and convenient access to the main dwelling, would have a shared access from North Road which is too narrow to be subdivided and a shared garden area. The appeal scheme would, therefore, be well related to the main dwelling and have a functional link with that property, with no boundary demarcation between the two. All of these factors demonstrate a clear connection between the proposed annex and the main dwelling.
6. The building is single storey and does not occupy a disproportionate amount of the garden and would only have 1 bedroom. In this regard, the proposal would be in line with the guidance contained within the House Extensions and Other Domestic Alterations Supplementary Planning Document (SPD) (2019) in relation to annex development.
7. Even if the proposal represents a numerical breach of the number of rooms the SPD suggests would normally be expected in an annex, this in itself, does not indicate that the proposed development would not constitute an annex. Particularly given that for the appeal scheme the smallest room is a store and there is no robust evidence to demonstrate what harm would arise from the annex having four rooms instead of three. In any event, a condition can be imposed to limit the occupation of the annex to ensure the accommodation remains ancillary to the main dwelling.
8. The appeal proposal would provide a degree of independence and privacy to relatives using the accommodation, and at the same time retain a functional garden. The appeal site is therefore of sufficient size to accommodate the proposed annex and would not result in unsatisfactory levels of privacy for either the existing occupiers of the dwelling or the future occupiers of the annex, particularly as the annex would be ancillary to the main house. Given that the proposal is for an annex, any increase in noise and general disturbance would be minimal.
9. As such, the proposal would not be harmful to the living conditions of existing occupiers of the existing dwelling or the future occupiers of the proposed annex, with regard to privacy, noise and disturbance, and so would accord with

Policy GD1 of the Local Plan (2019). This policy, amongst other things, requires proposals to have no significant adverse effect on the living conditions of existing and future residents.

10. It would also generally align with guidance set out in the SPD in relation to annex development.

Character and Appearance

11. The appeal site is located within a residential street and accommodates a one and a half storey detached dwelling which fronts First Avenue. The main vehicular access is off North Road, which leads to a driveway, parking area and garden. The garage under construction is adjacent to the boundary with North Road. Outbuildings and garages are a common feature of most of the rear gardens to the properties on First Avenue. The design, scale and style of the outbuildings and garages adjacent to North Road varies.
12. The appeal scheme would not result in any change to the size of the previously approved garage. The garage accords with the pattern of development in the locality and the amendments to the openings would not materially alter that pattern. While it is acknowledged that the proposal would result in a change from parking and storage to accommodation, given the proposal is for an annex and not a separate dwellinghouse, the additional comings and goings associated with an annex would be minimal. Moreover, the modest activity associated with the annex would be domestic in nature, associated with its residential use and would therefore reflect the prevailing residential character of the area.
13. The Council reference a previous appeal decision at the site and seek to draw comparisons. However, that proposal was for a separate dwelling and as such the context and overall relationship with the site differs to the appeal scheme. In any event, I must consider the appeal scheme on its own merits.
14. It is suggested that if the appeal scheme were to be allowed, it would set an undesirable precedent which would make it difficult for the Council to resist similar development elsewhere. While I accept that garages and outbuildings are common in the locality they are of varying scale and design, and as such, it is likely that some may not be capable of being converted in the same way as the appeal scheme. Moreover, the conversion of such outbuildings to annexes would generally accord with the character of the area. Accordingly, I do not find that there is a reasonable prospect of similar development being repeated nearby, to the extent that the cumulative effect would be detrimental to the established pattern of development and residential character of the area.
15. As such, the proposed development would not be harmful to the character and appearance of the area, and so accords with Policy D1 of the Local Plan (2019), which seeks development of high-quality design which respects, takes advantage of and reinforces local character. It is also in line with the design principles of the SPD.

Conditions

16. The conditions requested by the Council have been considered and amended as necessary to ensure compliance with the National Planning Practice Guidance. In addition to the standard condition that limits the timescales for the implementation of the planning permission it is necessary to impose a condition

identifying the approved plans for clarity. A condition relating to materials is necessary in the interest of protecting the character and appearance of the area. I have also imposed a condition limiting the occupation of the annex to ensure the accommodation remains ancillary to the main dwelling.

Conclusion

17. For the reasons given above, I conclude that the proposal accords with the development plan read as a whole. Material considerations have not been shown to carry sufficient weight as to indicate a decision otherwise than in accordance with it. Therefore, the appeal is allowed.

F Harrison

INSPECTOR