



Appeal Decision

Site visit made on 1 February 2023

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 20th April 2023

Appeal Ref: APP/J0405/W/22/3299519

4 Bridge Road, Ickford, HP18 9HX

- 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 Ms Laura Bonafont against the decision of Buckinghamshire Council.
 - The application Ref 21/04637/APP, dated 2 December 2021, was refused by notice dated 6 May 2022.
 - The development proposed is the change of use (retrospective) and extension of a residential outbuilding to a 1 bedroom residential annexe.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use and extension of a residential outbuilding to a 1 bedroom residential annexe at 4 Bridge Road, Ickford, HP18 9HX in accordance with the terms of the application, 21/04637/APP, dated 2 December 2021, and subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this permission.
 - 2) The materials to be used in the external surfaces of the development hereby permitted shall match those specified on the submitted application form.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan [LP-01], Proposed Plan [P001 Rev D], Site Layout Plan [SP-01], Existing & Proposed Front Elevation [002 Rev E], Existing & Proposed Rear Elevation [004 Rev D], & Existing & Proposed Side 1 Elevation [005 Rev D]; and Figure 1 plan contained in the Appellant's Final Comments (dated 09 September 2022)
 - 4) The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 4 Bridge Road, Ickford, HP18 9HX.
 - 5) The landscaping scheme as shown on the Proposed Plan [P001 Rev D] shall be carried out not later than the first planting season following the first occupation of the development hereby permitted.

Applications for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate Decision.

Preliminary Matters

3. At the time of my site visit, I observed that the outbuilding contained a bedroom, kitchen and bathroom. I note that the appellant indicates that it was in use as a residential annexe when they bought the property in 2019 and has been used in that way since then. Although the available evidence is unclear whether such use of the building is lawful, I have determined the appeal on the basis of what has been applied for, namely the use of the extended building as a residential annexe.

Main Issue

4. The main issue is whether the proposed development would constitute a separate or ancillary residential unit.

Reasons

5. The application site relates to a Grade II Listed Cottage and an outbuilding located to the side. The outbuilding is detached from the cottage and is single storey.
6. The proposed development would significantly extend the footprint of the existing building and would also extend its height through the construction of a gable roof. The extended building would contain a double bedroom, bathroom, and an open plan kitchen and living area.
7. The appellant describes the building as a residential annexe to the existing house, which they would occupy while they continue to provide support to family members in the cottage. However, the Council's concerns relate to whether it would be ancillary to the cottage or otherwise be capable of functioning as a separate new dwelling. Irrespective of who may use the annexe, I note that the extended detached building would be of a scale and contain all the internal facilities necessary to allow for wholly separate, independent living from the cottage. Nonetheless, the annexe would still share the driveway with the cottage and would remain physically proximate to the cottage. Additionally, the narrow, long layout of the garden would render it impractical to totally subdivide the plot to create separate amenity space for each building. As such, and given the proposal is for the building to be used as a residential annexe, I am satisfied that the proposed development would provide ancillary accommodation to the cottage. Whether or not it would appear physically or functionally ancillary to the cottage does not lead me to a different conclusion.
8. I acknowledge the Council's concerns regarding the potential use of the residential annexe as a separate self-contained dwelling. However, I have little evidence before me that a suitable condition to restrict the use of the building to an ancillary annexe would not pass the relevant tests in the National Planning Policy Framework (Framework), specifically the test that requires conditions to be enforceable.
9. I therefore find that the proposed development would not constitute a separate residential unit and would remain ancillary to the cottage, subject to the imposition of an appropriate condition. The Council's reason for refusal alleges a conflict with policies BE2 of the Vale of Aylesbury Local Plan (2021) and ND2 of the Ickford Neighbourhood Plan (2021). However, those policies primarily relate to both character and appearance and design, and my attention has not

been drawn to any wording in them that relates to the main issue. Accordingly, they have not been determinative in my decision and the available evidence does not indicate that the appeal proposal would conflict with any development plan policies in relation to this main issue.

Other Matters

10. I recognise that concerns have been raised regarding the effect of the proposed development on the character and appearance of the area. Based on the evidence presented to me, the majority of the extension works would occur towards the rear of the appeal site. As such, there will be no significant increase in the visibility of the building from the public highway. The proposed development is screened from the rear of the appeal site, therefore there will also be no significant increase in visibility from the field and footpath. Although the increased size of the annexe would result in a higher level of visibility from neighbouring properties, it would remain a single storey building and would continue to be screened by fences and hedging from both the front and side perspective, through the imposition of Conditions 5 and 6. I therefore conclude that the proposed development would not have an unacceptable effect on the character and appearance of the surrounding area, in compliance with policies BE2 of the Vale of Aylesbury Local Plan (2021) and ND2 of the Ickford Neighbourhood Plan (2021).
11. The Council raised no objection to the proposal in respect of whether it would affect the Grade II Listed Building which the appeal premises form part of, or whether it would preserve or enhance the character or appearance of the Ickford Conservation Area (CA). On the basis of the plans and evidence before me, I have no reason to disagree with their assessment. Accordingly, the proposed extension would have a neutral effect on the significance of these designated heritage assets, in compliance with policies BEH 1, BEH2 and BEH 3 of the Ickford Neighbourhood Plan (2021).
12. Through the presence of existing screening on the shared boundary and the limited size of the extended outbuilding, the proposed development would not unacceptably harm the living conditions of the occupiers of neighbouring properties with regard to outlook. Accordingly, it was not necessary to view the appeal site from 6 Bridge Road during my site visit.
13. I recognise that concerns have been raised regarding the possible disturbance of bats and owls at the appeal site. However, based on the scope of the proposed development, the absence of any concerns raised by the Council and my site visit observations (albeit this was not carried out in the summer months), there is no compelling evidence before me that the proposed development could have a detrimental effect on bats and owls.
14. A number of other matters have been raised by interested parties and I have taken them all into account. This includes matters such as: environmental health; privacy for neighbouring occupiers; setting a precedent; site plans being inaccurate; harm to trees; and whether the Council's consultation was adequately advertised. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.

Conclusion and Conditions

15. For the above reasons, the appeal is allowed subject to conditions.
16. The Council has provided a list of suggested conditions, which I have assessed in regard to the advice provided in the National Planning Policy Framework and Planning Practice Guidance (PPG). In addition to the standard time limit, condition 2 is necessary to preserve the character and appearance of the area. Condition 3 is necessary to provide certainty, which I have extended to include the dimensions and location of the proposed development through reference to the plan included in the Appellant's Final Comments. Condition 4 is required in the interests of ensuring that the property remains in ancillary use to the cottage. In addition, I have imposed Condition 5 to ensure that the proposed development remains adequately screened and to minimise its visibility, as the Council identified was necessary in their Officer Report. However, I have amended the wording to ensure that the condition is enforceable.

S Lo

INSPECTOR