

Appeal Decision

Site visit made on 21 April 2023

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th May 2023

Appeal Ref: APP/D0840/W/22/3305571

97 North Roskear Road, Tuckingmill, Camborne, Cornwall TR14 8PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Steven Rolfe against the decision of Cornwall Council.
 - The application Ref PA22/04121, dated 28 April 2022, was refused by notice dated 15 July 2022.
 - The development proposed is the construction of a self-contained annexe.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a self-contained annexe at 97 North Roskear Road, Tuckingmill, Camborne, Cornwall TR14 8PX in accordance with the terms of the application, Ref PA22/04121, dated 28 April 2022, subject to the following conditions:
 1. The annexe hereby permitted shall not be occupied at any time other than for domestic or other purposes ancillary to the residential use of the dwelling known as 97 North Roskear Road, Tuckingmill, Camborne.

Preliminary Matter

2. The works have been completed; this does not alter my approach to the way in which I assess the merits of the case.

Main Issues

3. The main issues are whether the proposal would reasonably be deemed ancillary to the host property and b) the effect on the character and appearance of the locality.

Reasons

4. The appeal proposal is within the rear garden of an end house of a row of two storied homes which back onto a playing field. A trackway to the side of the house separates the row from another to the north and provides access to the rear of both rows. The site is within a sizeable settlement, the locality is established in residential character and a range of dwelling types come together to form an area of pleasing appearance and visual interest. The appeal scheme is for a wooden and metal clad building measuring approximately 13m long, 4m wide and 2.5m high. The structure contains two bedrooms, a lounge/diner/kitchen and a bathroom.
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Ancillary assessment

5. The Council is concerned that, to paraphrase, the development is tantamount to a second dwelling in the host property's garden; functional links are deemed insufficient and scale is excessive.
6. There is an 'Annexe Guidance Note' May 2020 (AGN) which has been produced by the Council. It recognises that this publication sits outside the development plan and cannot be expected to cover every eventuality but nevertheless it would seem a helpful document from which to take cues. In summary the AGN's six tests for suitability are:
 - 1) functionality (reliance on main dwelling and people therein);
 - 2) same ownership;
 - 3) same curtilage and access;
 - 4) attached if possible or justifiably separate, re-usable and less than 50% of host property footprint;
 - 5) no boundary demarcation or subdivision of garden; and
 - 6) subservient scale and suitable design.
7. There are no disputes between the main parties over 2), 3) and 5) above and I would assess those criteria as being met.
8. On the question of functionality, I have no reason to doubt the reliance on the main dwelling's power, water and sewage networks. The occupants are family members and from what I have read from those involved there would seem to be clear interaction between, and reliance upon, those living within this curtilage. Justification is reasonably given for those who need to occupy the annexe space at present and what has led up to this need for the specific layout. I would deem the functionality assessment (1)) to be passed.
9. Turning to 4), I can see by the form of the existing property that adding the requisite extra accommodation by extension would be both difficult in design terms and a considerable cost. The use of a separate building would be justified in these circumstances. The siting of this at the end of the garden is logical to maximise retention of, and accessibility to, rear garden space. Because of distancing, whilst the structure could not be incorporated into the shell of the main building it could be used for other outbuilding purposes when present needs pass. Although markedly smaller than the footprint of the host property I recognise that the structure is not less than 50% of this scale. However, as the Council fairly indicates within the AGN no two annexe proposals will be same. In the circumstances of this case, I am minded to introduce a degree of flexibility; in part measurements increase because the plot is flared, the remaining garden easily continues to be beyond the norm for the area, there is a present need for the annexe space, and I consider it unnecessary to determine a scheme such as this on a question of maths.
10. I deal with scale and design below in more detail but as a generality it did not strike me that the scheme was out of kilter on either of the factors within criterion 6).
11. Given the foregoing, I would therefore fundamentally differ from the Council's stance cited in paragraph 5 above.

12. Policies 1 and 2 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) are relevant. Taken together and amongst other matters they seek sustainable development which accords with a settlement-hierarchy based spatial strategy and delivers on the economic, social and environmental key pillars. Whilst I look in more detail at environmental factors below, I conclude that in general terms the appeal scheme would not run contrary to these policies.

Character and appearance

13. The Council is concerned that the appeal structure is, effectively, out of place. Whilst noting that many of the rear gardens of the houses along North Roskear Road have incidental or ancillary structures within them it argues that these are generally smaller, visually subservient to the main houses and clearly for incidental or ancillary uses. The case is put that the appeal building occupies a large part of the rear garden of the property and runs across its full width; it does not look ancillary or subservient. It looks too large an entity and is consequently at odds with context and contrary to local character. Furthermore, the Council feels that the structure takes up too much rear garden, impacting functionally and visual qualities.
14. It would seem very pertinent that the host property has greater width than virtually all others along this stretch of road. Consequently, the rear garden is appreciably larger than those around. Even after the deduction of area for the annexe that remains the case. As noted above, many other properties do have rear structures but contrary to the Council's commentary they often run across the whole width of the plot, it is just that the plots are narrower.
15. Taken in context I found the scheme before me to be relatively subtle and not looking discordant or incongruous. It looks like an outbuilding. It does not look cramped or visually awkward, is well spaced off the rear elevation of the host dwelling, and is modest in bulk and height.
16. I reach the opinion that the structure was not uncomfortably out of place and it does not remove an excessive degree of rear garden. The remaining non-demarcated open amenity area is more than adequate to serve residents in the main dwelling and annexe on this plot. In summary, I do not see this scheme as being harmful to the character and appearance of the locality.
17. LP Policies 1, 2 and 12 are pertinent to this issue. Taken together and amongst other matters they seek development which protects the character and environment of a place, would be a suitable scale, and would display sensitivity to surroundings. Given the above I conclude that the appeal scheme would not conflict with these policies.

Conditions

18. The Council suggests a planning condition to ensure ancillary domestic use. I would agree with this proposition; it is necessary in the interests of residential amenity and the protection of the character and appearance of the area.

Overall conclusion

19. For the reasons given above I conclude that the appeal proposal would reasonably be deemed ancillary to the host property and would not have

unacceptable adverse effects on the character and appearance of the locality.
Accordingly, the appeal is allowed.

D Cramond

INSPECTOR