



Appeal Decision

Site visit made on 15 May 2023

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2023

Appeal Ref: APP/C5690/D/23/3314561
15 Daneswood Avenue, London SE6 2RG

- 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 Helen Eboigbe against the decision of the London Borough of Lewisham Council.
 - The application Ref DC/22/128415, dated 1 August 2022, was refused by notice dated 2 November 2022.
 - The development proposed is the erection of a single storey 'granny annexe' in the rear garden. Installation of a 1.8 metres high fence at rear of driveway.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are whether the proposal would be a subordinate residential annexe and its effect on the character and appearance of the local area.

Reasons

3. The proposal is for a detached one bedroom single storey building, with a pitched roof, to be used as a residential annexe. This would be located to the rear of the garden to the existing two storey semi-detached house on the appeal site.
4. In the rear of the garden is an existing garage, which appears to be in use for storage and is accessed from a driveway at the side of the house. It is noted that there is an unimplemented permission for this garage to be converted to a gym. The proposal includes the installation of a fence across this driveway to create a fully enclosed situation, where access to the back garden and the proposed annexe would be only through the house on the appeal site.
5. The proposal would take the form of a self-contained dwelling, with an open plan layout for the bedroom, kitchen/dining and living space. Separate toilet and shower facilities would be located to the rear of this open plan area. The proposal would have a rendered finish, with a shallow pitched clad roof.
6. The proposed detached annexe would be slightly smaller in footprint than that of the main house and would appear to be of a scale, design and distance from

- the main house, which would result in it not appearing as subordinate to the main dwelling. Rather, the proposal would appear as a separate rendered independent dwelling with little apparent functional connection with the main house other than the rear garden area.
7. Due to the proposed rendered finish and the scale of the proposal, it would have an undue prominence that would be incongruous within the context of the small suburban garden location and would cause moderate harm to the character and appearance of the local area.
 8. Notwithstanding the appellants position that the potential occupier of the proposed annex would have shared use of the garden, there does not appear to be an evident dependency on, or need for, use of any of the facilities of the main house. Further, the proposal has all the facilities necessary for being independently occupied, including a kitchen and dining area. In this regard the proposed annex would appear to be a stand-alone dwelling that would function completely independently of the main house.
 9. The proposal is similar to a previously refused application. However, the revised proposal includes a fence across the driveway that would have the effect of limiting access to the rear garden, which would only be via the main house. Such a fenced access arrangement could, however, be altered without the need for any further planning permission.
 10. Further, due to the rendered finish on a building the of the scale of the proposed annexe, it would not reflect the garden context and the materials and finishes of outbuildings in the local area. It would, therefore, have an undue prominence that would be incongruous within the context of the small suburban garden location and would cause moderate harm to the character and appearance of the local area.
 11. The appellant has drawn my attention to other approvals in the Council area for detached residential annexes. However, these involve the conversion or replacement of existing buildings and would have been considered on their own individual merits and I have done likewise in my consideration of the appeal proposal. I have, therefore afforded these little weight in those considerations.
 12. I have given consideration to the appellants suggestion of a condition attached to an approval of the proposal that would control the use of the proposed annexe for purposes ancillary to the residential use of the main dwelling. However, although there is not a proposal for a separate dwelling before me, for the reasons given above, I find that the proposal would not appear or function as a subordinate residential annexe. Therefore, I am not satisfied that the application of a condition, which would require the proposed annexe to be used for purposes ancillary to the residential use of the main house dwelling, would be relevant to the form or function of the development proposed. For these reasons such a condition would not result in an otherwise unacceptable development being acceptable and would not, therefore, accord with Paragraphs 55 and 56 of the Framework.
 13. I find that the proposal would not appear or function as a subordinate residential annexe and would, due to its rendered appearance cause moderate harm to the character and appearance of the local area. This would be

contrary to policies DM30 and DM33 of the Lewisham Development Management Local Plan (2014), policy D3 of the London Plan (2021) and paragraph 130 of the National Planning Policy Framework (2021). These collectively seek to ensure that development in garden areas provide suitable accommodation, are of a high standard of design and integrate with the local area.

Conclusion

14. The appeal is dismissed.

Victor Callister

INSPECTOR