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## Appeal Decision

Site visit made on 25 April 2023

**by G Ellis BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 June 2023**

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**Appeal Ref: APP/V1260/D/23/3317282**

**20 Clifton Road, Bournemouth, BH6 3PA**

- 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 M Day against the decision of Bournemouth Christchurch and Poole Council.
  - The application Ref: 7-2022-6411-O, dated 6 September 2022, was refused by notice dated 25 January 2023.
  - The development proposed is an annexe to provide 2 bedrooms.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The proposal is described on the application form as "revision to detached annexe from previous application". Planning permission has been granted for an annexe under Council reference 7-2021-6411-N which also includes other alterations to the host property, and development has not yet commenced. Whilst both parties refer to the proposals as an enlargement of the annexe, this is a separate planning application and therefore a standalone proposal. Consequently, I have amended the description so that it relates to the development proposed. Notwithstanding this, the extant scheme represents a fallback which I have had regard to in my assessment.

### Main Issues

3. The main issues are: -
  - i) the effect of the development on the character and appearance of the area, including the host property; and
  - ii) whether the development would be ancillary to the host property.

### Reasons

#### *Character and Appearance*

4. The annexe would be a detached outbuilding with a mono-pitched roof sited within the rear garden. Currently, the existing bungalow has a conservatory to the rear and a detached garage is setback to the side. Extending some 12m, the proposed annexe building would be a substantial structure with a depth not significantly less than the existing bungalow.

5. Positioned adjacent to the southwestern boundary the building would extend a considerable length along this side boundary which is currently relatively open where the annexe is to be sited. It would also project into the garden taking up approximately half the width.
6. The approved scheme is a genuine fallback for a smaller, but still sizable annexe. That scheme was originally for two bedrooms but was reduced in size during the application process; thereby this proposal effectively seeks to reinstate the initial scheme. Compared to the extant scheme the increase in depth would be modest, however overall, the building would be a dominant addition to the garden. It would be of a scale where subservience to the host property would be lost, and it would have an adverse impact on the character and appearance of the area. It would be more harmful than the fallback and does not provide support for development of the scale proposed.
7. I acknowledge that the annexe would not be prominent in the street scene and, whilst I concur with the main parties that there would be no direct loss of amenity to the occupiers of the neighbouring property, it would create a significant physical and visual obtrusion. This would add to the harm derived from the scale of the building and disruption to the character of the area.
8. Additionally, whilst the extant scheme also includes alterations which increase the size of the host property and includes the removal of the garage, the implementation of all aspects is not guaranteed. Together with the existing garage, the extent of development along the side boundary would be even more extensive, and the scale of the annexe would be further emphasised compared to the existing bungalow.
9. In conclusion, I find that the resultant scale of the annexe building would be disproportionate and out of keeping with the character of the area. Thus, it would conflict with Policy CS41 of the Bournemouth Local Plan: Core Strategy and National Planning Policy Framework which together, and amongst other things, seeks to ensure that developments are well-designed and respect the site and surroundings. It would also be contrary to the advice in the Council's Residential Extensions Design Guide for Householders indicating annexes should remain subservient to the existing property, be of a suitable scale for its purpose, and not be overly large.

#### *Ancillary Use*

10. The plans show that the annexe would include all the facilities required for day-to-day living to enable it to operate independently from the main dwelling. It would have two bedrooms, a bathroom and a living area with a kitchen. There would be no physical connection with the main property, but the occupiers would share parking and garden areas.
11. The appellant explains that the annexe is to provide accommodation whilst the host property is being extended and reconfigured. This would be a temporary requirement with the facilities within the annexe being used instead of the main property. Reference has also been made to the ability to use incidental outbuildings for the purpose of an ancillary annexe without a change of use occurring and has referred to supporting appeal decisions. Be that as it may, this is not an existing outbuilding. I am however mindful of the established

legal judgement<sup>1</sup>, drawn to my attention by the appellant, that even if the accommodation has facilities for independent day-to-day living, it will not necessarily become a separate planning unit – rather this is a matter of fact and degree.

12. There is no indication of the longer-term use of the annexe other than indicating that annexe guests would have the opportunity to take meals and use the laundry facilities in the main house and that the utilities would be shared. Nonetheless, the extant scheme establishes the provision of an annexe in the same location and would have the same relationship with the host property, even with the addition of a second bedroom. In line with that approval, the use as ancillary accommodation could also be controlled by condition. Additionally, the backland site has no direct access, and the proposal was submitted as part of a householder scheme. Thereby the creation of a separate dwelling would be a material change of use requiring a separate grant of planning permission, and the building would be at risk of enforcement action if such permission was not granted.
13. Consequently, I am satisfied that the operation of the site could continue as a single residential unit with the annexe having an ancillary relationship and would not conflict with policy CS41 in that regard.

### **Conclusion**

14. While I have found that the proposal could operate as an ancillary annexe, this and other matters raised would not overcome my findings in relation to the scale of the development and harm to the character of the area. Therefore, for the reasons set out the appeal is dismissed.

*G Ellis*

INSPECTOR

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<sup>1</sup> Uttlesford District Council v Secretary of State for the Environment and White [1991]