



Appeal Decision

Site visit made on 19 May 2023

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 June 2023

Appeal Ref: APP/K0235/D/23/3315792

West Grange, Carlton Road, Felmersham, Bedford, MK43 7JH

- 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 Dominic Floro against the decision of Bedford Borough Council.
 - The application Ref 22/01419/FUL, dated 23 June 2022, was refused by notice dated 14 November 2022.
 - The development proposed is the extension and conversion of existing car port and workshop to form annexe accommodation and increase car port to accommodate 4 vehicles. New pitched roof to boat house.
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Decision

1. The appeal is dismissed insofar as it relates to the conversion and extension of existing car port and workshop to form annexe accommodation and increase car port to accommodate 4 vehicles. The appeal is allowed insofar as it relates to the new pitched roof to boat house and planning permission is granted for a new pitched roof to boat house at West Grange, Carlton Road, Felmersham, Bedford, MK43 7JH in accordance with the terms of the application, Ref 22/01419, dated 23 June 2022, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted (the new pitched roof to boat house) shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted (the new pitched roof to boat house) shall be carried out in accordance with the following approved plans: proposed site and location plans – 005 Rev A; existing block plan – 500 Rev A; proposed block plan – 510 Rev A; existing boat house plans – 1012-300; proposed boat house plans: 1012-310; and proposed boat house elevations – 1012-070 Rev A.

Main Issues

2. The main issues are;
 - i) whether the proposal would result in the creation of a separate self-contained dwelling;
 - ii) the effect of the proposal on the character and appearance of the Felmersham Conservation Area (CA) and on the setting of West Grange, which is a Grade II listed building; and
 - iii) whether the proposal would have an adverse impact on existing trees within the site.

Reasons

3. West Grange is a detached dwelling, which is situated towards the edge of the village within the CA. It is a Grade II listed building and dates from the mid to late 19th century. The neighbouring property, East Grange is also listed and both properties were originally one building (Felmersham Grange). Part of the original building was demolished in the late 1960's to form to separate dwellings. The significance of West Grange is largely due to its age, form and architectural style and detailing.
4. The setting of West Grange is also significant insofar that it sits within a relatively large plot, above the River Great Ouse. An existing flat-roofed boat house is situated on the edge of the river on the northern side of the dwelling. Mature trees and woodland, which are clearly visible from Carlton Road, provide a verdant appearance to part of the site.
5. The CA covers a relatively wide area, but the northern side of Carlton Road and Hunts Lane are significant, because of the spacious grounds and the landscape setting of both the appeal property and East Grange. It appears as a transition between the built-up area of the village and the countryside beyond.
6. The proposal contains two separate elements, which are not physically or functionally related. It is proposed to convert and extend an existing single-storey workshop and car port to form an annexe for the appellant's elderly relatives. The building would contain a living room, bedroom, kitchen, study and wc/shower room. It would have a flat roof and one of the submitted plans shows that solar panels would be positioned on the roof, although these are not shown on the elevations.
7. The existing car port would also be extended to provide 4 vehicle parking spaces. The car port would be timber clad, whilst the annexe walls would be a stone finish.
8. In addition to the above, a new pitched roof is proposed on the boat house. The appeal documents indicate that the original building had a pitched roof. I note that the Council has no objection to this part of the proposal and I have no reason to disagree with that conclusion. The proposed roof would not be out of keeping with its surroundings and it would improve the appearance of the building.

Whether the Proposed Annexe can be Considered as a Separate Dwelling

9. The Council contends that the proposed works to form the annexe and to extend the car port are tantamount to the creation of a separate independent dwelling, which would be contrary to Policy 7S of the Bedford Local Plan (LP) and Policy FR1 of the Felmersham and Radwell Neighbourhood Development Plan (NDP). These policies seek (amongst other things) to limit development within the countryside and focus development within settlement boundaries.
10. The Council considers that the scale of the proposal, plus the separation distance between the proposed annexe and West Grange (some 26m) mean that it should not be considered as part of the main dwelling. In support of this view, the Council has quoted several appeal decisions, where Inspectors have drawn similar conclusions. I have considered these carefully, but each case must also be considered on its merits and it is a matter of fact and degree.

11. Clearly the proposed building contains all facilities required for day to day living. However, I am not persuaded that that is, in itself, determinative. The separation distance of 26m is not excessive and the proposed annexe would share the existing access from Carlton Road and it would also share the existing garden. No separate curtilage would be created. In addition, services and utilities would also be shared. Furthermore, the appellant has provided information on the increasing medical and welfare needs of his elderly relatives. I also consider that the use and occupation of the annexe could be controlled by conditions, should the proposal be acceptable overall.
12. In reaching my decision, I have also given weight to *Uttlesford District Council v Secretary of State for the Environment and White [1992]*. In this judgement, it was held that the use of an outbuilding in the curtilage of an existing dwellinghouse for primary residential purposes does not involve a material change of use, where it is used in conjunction with the dwelling. The essential question is whether the use of the curtilage building has created a separate planning unit. Where such a building is occupied by someone unconnected with the original dwelling or has been severed from it and has its own curtilage, a separate dwelling will have been created. However, the line taken in the Uttlesford case and later appeal decisions suggests that use by family members does not constitute a sufficient degree of "separateness", even where such a person lives independently from those occupying the main dwelling.
13. As stated above, whether the proposal would be tantamount to the creation of a separate dwelling is a matter of fact and degree. For the reasons given above, I conclude on this issue that a separate independent dwelling would not be created and, therefore, the proposal would not conflict with Policy 7S of the LP and Policy FR1 of the NDP.

Character and Appearance

14. It is a statutory requirement that when considering planning applications, decision makers must have regard to the desirability of preserving or enhancing the character or appearance of conservation areas. The effect of the proposal on the setting of a listed building is also a consideration.
15. The proposed annexe/car port building is situated some 26m from West Grange and it is located with a woodland area, which partially screens the building from Carlton Road. The Council considers that the proposal would result in harm (albeit low level harm) to both the character and appearance of the CA and the setting of the listed building, by increasing its bulk and by the possible visual impact of the proposed solar panels.
16. Whilst the proposal would undoubtedly increase the mass of the building, by extending the car port, its overall design and timber finish would not appear out of place in its woodland setting. Furthermore, I consider that the separation distance between the proposed building and West Grange ensures that it would not have an adverse effect on the surroundings in which the listed building is experienced.
17. However, I agree with the Council's concerns regarding the proposed installation of solar panels on the roof of the annexe. The panels are shown on the submitted proposed roof plan, but there is no detail of their appearance or profile. Whilst I do not dispute the environmental benefits of solar panels, in the absence of further information, I am unable to assess their impact on both

the character and appearance of the CA and on the setting of the listed building. Therefore, I have no alternative but to conclude that the proposal conflicts with Policy 41S of the LP and with Core Objective 3 of the NDP, which generally seek to preserve and enhance designated heritage assets.

Impact on Existing Trees

18. The existing workshop and car port is located close to a number of mature trees. These trees make a positive contribution to the character and appearance of the area. Some of the trees appear to have greater amenity value than others, but as a group, they are important.
19. The proposal to extend the car port would result in part of the building being constructed close to a mature, tall pine tree. Although an Arboricultural Impact Assessment has been submitted with the appeal documentation, this relates to a different proposal (not part of the appeal) and it does not address issues relating to the extension of the car port. Without further detail, I am unable to assess the impact of the proposal on the existing trees in the vicinity of the building. Consequently, the proposal conflicts with Policy 39 of the LP and with Core Objective 3 of the NDP. Amongst other things, these seek to ensure that details of how retained trees will be protected during construction are submitted for approval.

Conditions

20. The Council has suggested conditions in the event of the appeal being allowed. I have imposed the standard condition requiring development to commence within 3 years of the date of this decision. In addition, a condition specifying the approved plan, insofar as it relates to the new roof on the boat house, is also imposed. The approved plans show that the external surface of the of the boat house roof will be the original tiles that were previously removed. Therefore, a condition is not necessary.

Conclusion

21. For the reasons given above, I conclude that the appeal is allowed in relation to the new pitched roof to the boat house. Regarding the proposed conversion and extension of the existing car port and workshop to form annexe accommodation and increased car port to accommodate 4 vehicles, the appeal is dismissed.

Ian McHugh

INSPECTOR