



Appeal Decision

Site visit made on 19 September 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st September 2023

Appeal Ref: APP/V3120/W/23/3316610

Buttercup Barn, Barcote Pastures, Littleworth, Faringdon, Oxon, Oxfordshire SN7 8JJ

- 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 Mrs Ann-Marie Lewis against the decision of the Vale of White Horse District Council.
 - The application Ref P22/V1958/FUL, dated 31 October 2022, was refused by notice dated 3 February 2023.
 - The development proposed is change of use - ancillary accommodation to letting accommodation - single person tenancy - no changes needed to the property, parking or access.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use - ancillary accommodation to letting accommodation - single person tenancy - no changes needed to the property, parking or access, at Buttercup Barn, Barcote Pastures, Littleworth, Faringdon, Oxon, Oxfordshire SN7 8JJ, in accordance with the terms of the application Ref P22/V1958/FUL, dated 31 October 2022, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan Ref. BLO-001 and Location Plan Ref. LOC-001.

Procedural Matter

2. The appeal property is in the Littleworth Conservation Area(CA), and therefore I am mindful of the duty set out in S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
3. At the time of the site visit I saw an outbuilding at the appeal property, which appears to comprise a garage with an annex at the rear. The proposal is for a change of use of this existing building, with no alterations to the exterior of the property proposed. In respect of the change of use, the use would remain residential. While activity may increase at the property, this is likely to be limited given the small size of the annex. Moreover, the property benefits from a sizeable drive and this could accommodate the limited change in respect of additional vehicles without harmfully impacting on the appearance of the area.

On this basis I am content that the proposal would not harm the character or appearance of this part of the CA.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupants of Buttercup Barn and the future occupants of the outbuilding, with regards privacy.

Reason

5. The appeal property is a detached dwelling in a relatively large plot. The existing garage/annex building is located close to the western side boundary of the plot. Even with this sizeable outbuilding, the property benefits from a wide rear garden.
6. The proposal would result in the annex being used as separate accommodation. Therefore, the change of use would result in two separate households living alongside each other at this property.
7. There is no existing physical barrier between the dwelling and the outbuilding. There is also a side window at the annex, and this allows views of the rear garden and the rear elevation of the dwelling. However, the nearest window of the dwelling to the annex is the kitchen window, and this is stepped in from the side elevation of the dwelling and set higher than the annex's side window. Also, the outbuilding is positioned at an angle such that the annex is splayed away from the rear elevation of the dwelling. As such there is a reasonable degree of separation between the respective living spaces of the annex and the dwelling.
8. With the above configuration, future occupants of the annex would not have direct views into the kitchen of the dwelling from the annex's windows. The occupants of the dwelling would therefore not experience an unacceptable sense of being overlooked when using their kitchen. Moreover, I saw due to the respective orientation of the dwelling and annex, there are only limited, oblique views of the annex's side window from the kitchen window of the dwelling, such that future occupants of the annex would not experience a harmful sense of being overlooked from this nearest part of the dwelling.
9. While the annex building is visible from the rear upper floor windows of the dwelling, the principal outlook from these windows is to the rear, with the annex only visible from side views. Therefore, future occupants of the annex would not have a sense of being unduly overlooked from this aspect of the dwelling such that it would result in unsatisfactory levels of privacy when inside the annex.
10. Also, the ground floor of the annex is dual aspect and includes windows to the rear. The rear windows of the annex are not directly overlooked by the dwelling and these good-sized windows have a pleasant outlook over the western section of the rear garden. In light of the above factors, future occupants of the annex would enjoy a reasonable degree of privacy and standard of living accommodation.
11. The side window of the annex has views towards a patio and the dwelling's patio doors which accesses the area. However, located on the eastern

boundary in the spacious rear garden there is a sizeable distance between this part of the garden and the annex.

12. The rear garden already experiences some overlooking from the neighbouring property on this eastern boundary. While this proposal would increase the potential for overlooking, the space between the annex and patio area would ensure that any increase would be limited. In any event the property benefits from a good-sized rear garden such that the occupants of the dwelling and the future occupants of the annex could enjoy the rear garden with an acceptable degree of privacy. For these reasons, I find that the existing level of privacy enjoyed in the garden would not be significantly eroded by the proposal such that it would result in unsatisfactory living conditions for the occupants of the dwelling when using this part of the property.
13. Also, given the respective splayed positions of the annex and the rear elevation of the dwelling, there is no direct views from the annex into the internal living space of the dwelling. Therefore, the existing levels of privacy enjoyed by the occupants when inside the dwelling would not harmfully alter as a result of this proposal.
14. The Council has drawn my attention to Condition 4 imposed on the planning permission for the annex extension to the garage; this limited the use of the annex to be ancillary to the dwelling. The reason cited for the condition was that the existing and proposed units would not enjoy a reasonable standard of residential amenity. However, for the reasons outlined above, in my judgement the change of use would not result in harm to the residential amenity with regards privacy for existing or future occupants of the units. Consequently, this matter has not altered my findings in this case.
15. In light of the above, I find that the proposal would not have a harmful effect on the living conditions of the occupants of Buttercup Barn and the future occupants of the outbuilding, with regards privacy. In this regard, the proposal would not conflict with Policies DP3 and DP23 of the Vale of White Horse Local Plan 2031 Part 2 Detailed Policies and Additional Sites (Local Plan). These Policies collectively require, amongst other matters, that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses when considering both individual and cumulative impacts in relation to factors, which include loss of privacy.
16. The proposal would also be consistent with the National Planning Policy Framework which requires a high standard of amenity for existing and future users.

Other Matters

17. The Council states imposing a condition requiring a boundary treatment between the annex and the dwelling may have implications on the character of the area. Be this as it may, as I have found that the proposal would not result in unacceptable harm with regards the main issue in this case, such a condition is unnecessary, and it is not necessary to consider this matter further.
18. Policy DP2 of the Local Plan states that proposals for one and two bedroom market homes will need to ensure they are in accordance with Nationally Described Space Standards. Concern was raised in the officer's report regarding compliance with these standards. The appellant asserts that a room

was missed in the Council's floor area calculation and the Council has not disputed the assertion. Moreover, the Council confirms that internal space is not a reason for refusal in this case. I found nothing at the site visit or in the submitted information that would lead me to dispute the Council's conclusion on this matter.

19. I note the Council's comments about the potential for short-term letting. However, this is not the proposal before me. This matter has not altered my findings.

Conditions

20. In addition to the statutory time limit, requiring compliance with approved plans is necessary in the interest of certainty.
21. The Highways officer suggested conditions for the construction and maintenance of off-street parking and a turning area. The proposal would result in two separate households, and this may result in an increase in vehicles at the property. However, the annex is small and as such any increase in vehicle numbers is likely to be limited. In any event, the property already benefits from a sizeable driveway and parking area. These conditions are unnecessary for these reasons.

Conclusion

22. Having regard to the development plan and other material considerations, including the Framework, the appeal should be allowed.

A J Sutton

INSPECTOR