



Appeal Decision

Site visit made on 18 October 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2023.

Appeal Ref: APP/J0540/D/23/3327871

Cherry Tree House, 13 Castle End Road, Maxey, Peterborough PE6 9EP

- 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 Matthew Bird against the decision of Peterborough City Council.
 - The application Ref 23/00633/HHFUL, dated 21 May 2023, was refused by notice dated 10 August 2023.
 - The development proposed is described in the application form as demolish and replace an annex to be used in conjunction with the existing domestic dwelling.
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Decision

1. The appeal is allowed and planning permission is granted to demolish and replace an annex to be used in conjunction with the existing domestic dwelling at Cherry Tree House, 13 Castle End Road, Maxey, Peterborough PE6 9EP in accordance with the terms of the application, Ref 23/00633/HHFUL, dated 21 May 2023, 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:

Location Plan (at a scale of 1:1250)

Proposed Plans 003 Revision: Rev A

Proposed Elevations 004 Revision: Rev A

Block Plans 005 Revision: A
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing buildings.
 - 4) The annexe hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as 13 Castle End Road and shall not be occupied, leased or rented as a separate dwelling.

Main Issue

2. The main issue is whether the proposal would provide an acceptable form of ancillary accommodation with respect to the provisions of the development plan that apply to residential annexes.

Reasons

3. The appeal site comprises a detached dwelling and its associated curtilage located within Maxey Conservation Area (CA). Within the red line boundary of the appeal site, and within proximity to the main dwelling, sit a number of outbuildings. The main dwelling and these ancillary structures are located towards the frontage of the site, with a large private garden area to the rear.
4. A three-car garage and an existing residential annexe are located along the southern boundary of the site. The existing annexe abuts the eastern boundary. Internally it provides a separate lounge, bedroom, bathroom, kitchen and small storage cupboard. It appears to be in a state of disrepair.
5. The appeal proposal would include demolition of the existing garage and annexe, and their replacement with a larger combined annexe and garage structure. The proposed replacement structure would be larger than the two existing outbuildings in this location, however the overall increase in floorspace would be relatively modest. Though the buildings would be conjoined, there would be no internal access between the garage and annexe.
6. The proposed annexe would be accessed via a small lobby that leads into an open plan kitchen, lounge and dining room. A separate bedroom and bathroom would be accessed from this space, with a large storage cupboard or larder adjacent to the kitchen area. The proposed garage would be wider, providing one large open space, with vehicular access via two single garage doors.
7. Policy LP34 of the Peterborough Local Plan 2016 to 2036, adopted 24 July 2019 (the Local Plan) stipulates that planning permission for the creation of a residential annexe will only be granted subject to several criteria, which I have had regard to in the following assessment.
8. In this case, the evidence before me indicates that the proposed annexe is within the same ownership as the original dwelling and would be used by a close family member of the appellant. There is no compelling evidence to indicate this arrangement would not continue in the future.
9. The main dwelling is a large detached two storey house of traditional design. The proposed structure would clearly be subordinate in scale and appearance to this, and to neighbouring dwellings. It would also sit within the same curtilage, close to the main dwelling. In this context, it would not have the appearance of a separate dwelling. The Council found that the proposal would not adversely impact the character and appearance of the site or surrounding area, and there is no compelling reason for me to conclude otherwise.
10. The proposal would provide living accommodation separate from that of the main dwelling. However, except for a separate dining area and lobby, the facilities provided are much the same as the existing annexe. While the floorspace of the annexe would be greater, this does not in itself indicate that the functional relationship between the annexe and the main dwelling would be severed, or that the annexe would be more capable of subdivision.
11. There is a single access point to the site from the public highway, which the proposed annexe would share. Parking for the property is located between the main dwelling and the proposed annexe, with no discernible boundary. Moreover, the proposed garage would have an open layout and be of a size to provide shared parking for the main dwelling and the proposed annexe. While

the garden area serving the appeal site is large, it would be separated from the annexe with no direct access. Given this arrangement, I am satisfied that the proposed annexe would maintain a clear functional relationship with the main dwelling and would remain in ancillary use.

12. The appellant has confirmed that all the services and utilities will be shared and remain as part of the main dwelling. The Council do not appear to dispute this and there is no compelling evidence before me to indicate otherwise. Additionally, I have not identified any other harm arising from the proposal. Given that the proposal would replace an existing annexe and garage in this location, I am satisfied that the proposed accommodation could not reasonably be expected to be provided through extension to the original dwelling instead.
13. I conclude that the proposal would provide an acceptable form of ancillary accommodation with respect to the provisions of the development plan that apply to residential annexes. It is in accordance with Policy LP34 of the Local Plan. This policy seeks to ensure that any residential annexe development is solely provided as ancillary to the original dwelling and not as a new dwelling.

Other Matters

14. As the proposal is in the CA, a designated heritage asset, I have had regard to Sections 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Section 72(1) of the Act requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the CA. Paragraph 199 of the National Planning Policy Framework states that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
15. The CA covers a considerable proportion of the village. This stretch of Castle End Road is separated from the rest of the village by a large field. Within the vicinity of the site, there are a number of large, detached, contemporary dwellings, some of which are set within generous plots. These sit alongside more historic buildings, including the main dwelling, which is a distinctive feature in the street scene.
16. To the south of the appeal site, buildings are typically sited close to the road, and more tightly arranged. Subordinate ancillary structures sit amongst the larger buildings, though all are tied together through the use of similar finishing materials. The significance of this part of the CA is therefore derived from the arrangement and hierarchy of buildings, their traditional features and complementary finishes.
17. I have not identified any harm in respect of the effect of the proposal on the character and appearance of the area. While the proposal may require relocation of refuse bins, there is sufficient space within the site for these to be accommodated without being visually intrusive. In the context described above, I am therefore satisfied that the proposal would preserve the character and appearance of the CA and would not harm its significance.
18. My attention has also been drawn to a Grade II listed building (LB) located at 7 Castle End Road. Sections 66(1) of the Act requires special regard to be given to the desirability of preserving the LB or its setting or any features of special architectural or historic interest which it possesses.

19. The significance of 7 Castle End Road is derived from its historic fabric, including its stone finish, thatched roof, characterful dormer windows and prominent chimney stacks. Though the easternmost elevation of the proposed annexe would be seen within the setting of the LB along Castle End Road, most of the building would be considerably screened from view by intervening development. As the proposal would preserve the character and appearance of the area, it would not cause harm to the significance of the LB or its setting.

Conditions

20. In addition to the standard time limit condition, it is necessary to specify the approved plans as this provides certainty. A condition to ensure finishing materials match those used in the existing buildings is also required in the interests of the character and appearance of the area, including the CA.
21. The Council has suggested a planning condition to ensure the annexe is occupied and used for purposes ancillary to the residential use of the main dwelling only. I consider this is reasonable and necessary in the circumstances to provide certainty and ensure compliance with Policy LP34 of the Local Plan.

Conclusion

22. The proposed development would adhere to the development plan as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

Ryan Cowley

INSPECTOR