

Appeal Decision

Site visit made on 1 December 2023

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15.12.2023

Appeal Ref: APP/K0235/D/23/3329478
307-309 Ampthill Road, Bedford, MK42 9RA

- 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 A Fhalora against the decision of Bedford Borough Council.
 - The application Ref 23/01179/FUL, dated 1 June 2023, was refused by notice dated 25 August 2023.
 - The development proposed is conversion of garage block in rear garden into a granny annexe.
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Application for Costs

1. An application for costs was made by Mr A Fhalora against Bedford Borough Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for the conversion of a garage block in rear garden to a granny annexe at 307-309 Ampthill Road, Bedford, MK42 9RA in accordance with the terms of the application, Ref 23/01179/FUL, dated 1 June 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: JJ23-307/9 001, JJ23-307/9 002.
 - 3) The materials to be used in the construction of the external surface of the development hereby permitted shall match those used in the existing building.
 - 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwellings known as 307 - 309 Ampthill Road, Bedford, MK42 9RA.

Main Issues

3. There are four main issues. Firstly, whether the proposed development would constitute a separate dwelling; secondly, the effect of the proposed development on the character and appearance of the street scene and surrounding area; thirdly, the effect of the proposed development on the living
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conditions of occupiers of Nos 307-309 Ampthill Road and the proposed residential accommodation with respect to private amenity space and privacy; and fourthly, the effect of the proposed development on highway safety with respect to parking arrangements.

Reasons

4. The appeal site comprises a large, single storey outbuilding within the curtilage of Nos 307 and 309 Ampthill Road. The two dwellings are a semi-detached pair but appear to function as a combined unit with a single paved frontage served by two vehicular gates and a single rear amenity area which is fully paved and served by a wide gate from Cosmic Avenue. Both dwellings have been extended at two storeys to the rear in a matching design and beyond this there is a single storey extension that occupies the rear elevation of both dwellings. The outbuilding is at the rear of the combined garden. It has a roller door to Cosmic Avenue and a pedestrian door into the amenity space of Nos 307-309. It is shown on the plans as being a garden store and garage although I saw at my site visit that it is arranged internally in part as residential accommodation with a kitchen area and living room furniture.
5. The proposal is to convert the outbuilding to ancillary residential accommodation (a "granny annexe") comprising a kitchen area, living area, one bedroom and a W.C./shower room. The roller shutter would be replaced by two windows.
6. The Council has alleged that the proposal would be tantamount to a separate dwelling that would result in harm to the character and appearance of the street scene of Cosmic Avenue, a harmful effect on the living conditions of existing occupiers of 307-309 Ampthill Road and a harmful effect on highway safety, owing to a lack of off-street parking. Its conclusion is based on the size of the building, the facilities provided, which would allow for independent living, the siting of the building which is separated from the main dwellings by some 12.5m and the lack of any supporting information as to how the building would be used or any need for an annexe.
7. However, the description of development applied for is an annexe and the householder application form was submitted. Both these have been accepted by the Council. Notwithstanding the size of the outbuilding, based on the plans and the evidence before me, including my site visit, it is clear that the building could only be accessed via Nos 307-309 and their curtilage, the distance between the buildings is limited and the amenity space would be shared by both the dwellings and the proposed development, as would the on-site parking areas. This demonstrates a clear connection with the host dwellings such that the proposed development.
8. Noting the vague and incomplete references to previous appeal decisions raised by the Council, to which no material weight can be attributed, and having regard to case law, in particular *Uttlesford DC v SSE & White [1992]*, referred to by the appellant, I find that the proposed development would be an annexe, not a separate residential unit. Moreover, proof of need is not a pre-requisite for an annexe.
9. A planning condition could be used to secure the ancillary residential nature of the development. The Council suggests that such a condition would be difficult

to monitor or enforce. However, a material change or intensification in the use of the building is likely to be readily apparent and is thus capable of being enforced against. Furthermore, any future desire to occupy the annexe as a wholly independent residence would require planning permission.

10. It is concluded on the first main issue that the proposed development would not constitute a separate dwelling but would be an annexe to Nos 307-309 Ampthill Road.
11. Turning to the effect on character and appearance, the existing dwellings and the outbuilding lie within the urban area of Bedford and Kempston in a mainly residential area where the principle of new residential development is acceptable. The building already exists, and the only external alteration would be to replace the exiting roller door to the garage with two windows. These would face Cosmic Avenue, a residential street comprising a variety of other dwellings with windows facing the street. The proposed development would thus be well related to the existing built form, and it would remain subservient to the host dwellings, notwithstanding its conversion to an annexe. Moreover, as an annexe, its relationship with other buildings in Cosmic Avenue would not materially alter. For these reasons I do not concur with the Council's view that the development would be either cramped or discordant.
12. It is therefore concluded on the second main issue that the proposed development would have no materially detrimental effect on the character or appearance of the street scene or the surrounding area. In consequence, there would be no conflict with Policies 28S, 29 or 30 of the Bedford Borough Local Plan 2030 (LP), adopted 2020. Taken together and amongst other things, these require new development to be of the highest design quality, contribute positively to the areas character and identity, respect the context in which they sit and promote local distinctiveness.
13. Neither would there be any conflict with codes N1 and N3 of the adopted design guidance (DG) "Residential Extensions, New Dwellings and Small Infill Developments, 2000" since these relate only to new dwellings and infill development and are not applicable in this case.
14. The Council's conclusion that the proposed development would materially harm the living conditions of occupiers of the host dwelling and proposed development with respect to privacy and amenity space arises solely because they have treated the development as a new, independent dwelling. Since I am satisfied that it would be an annexe, it follows that the limited distance between the outbuilding and host dwellings and the lack of any private amenity space dedicated to the annexe would not detract from the living conditions of either occupiers of the host dwellings or the proposed development since the annexe would be used in conjunction with the dwellings as ancillary residential accommodation.
15. It is concluded on the third main issue that the proposed development would have no materially harmful effect on the living conditions of occupiers of the host dwellings or future occupiers of the annexe. In consequence, it would comply with LP Policies 30 and 32 and with design code N5 of the DG. Taken together, these expect new development to make adequate provision for private

space and avoid any factors which might give disturbance to neighbours, including through overlooking.

16. Fourthly, the proposed development would utilise the vehicular access and egress points used by the existing dwellings. On the basis that the proposed development would not form an independent residential unit, there would be no material increase in vehicular movements associated with the site. Parking could be accommodated within the existing site and as ancillary accommodation there would not be any requirement to provide additional on-site parking. Moreover, a significant intensification in the use of the existing accesses is unlikely.
17. It is concluded on the fourth main issue that the proposed development would have no materially detrimental effect on highway safety with respect to parking arrangements. In consequence, it would comply with LP Policy 31 which expects development to avoid any significant adverse impact on access to the public highway, including through parking provision.
18. With respect to conditions, the Council has suggested three conditions in addition to the statutory commencement condition. I agree that the development should be carried out in accordance with the approved plans and in materials that match the existing building, for the avoidance of doubt and to protect the character and appearance of the area. In addition, for the avoidance of doubt and in order to protect the residential amenity of existing and future occupiers, I agree that a condition is necessary to limit the use of the proposed development to ancillary residential accommodation in connection with Nos 307-309 Ampthill Road
19. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down
INSPECTOR