



Appeal Decision

Site visit made on 8 May 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2024

Appeal Ref: APP/H0724/D/24/3340860

The Old Mill Farm, A19 Trunk Road, Hartlepool TS27 3HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by MR Z Mahmood against the decision of Hartlepool Borough Council.
 - The application Ref is H/2023/0069.
 - The development proposed is described as: 'proposed first storey extension and two storey infill extension to rear'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the application form and proposed plans propose 'a first storey extension' to an existing annexe, the Council within its delegated report refers to the development as demolition of an existing single storey annexe and the erection of a two storey annex. The Council also refers to the proposal as comprising of five bedrooms (rather than four as shown on the proposed plans) in its reason for refusal. For the avoidance of any doubt, I have determined the appeal on the basis of the proposed plans and description of development.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposed accommodation would serve an ancillary function to the main dwelling and whether it would be of a form that would increase the likelihood it would be occupied as a separate dwelling in the future.

Reasons

Character and Appearance

4. The appeal site comprises a group of two dwellings and an annexe accessed from the A19 dual carriageway via a single track road. The site is surrounded by open farmland in a rolling, agricultural landscape, with occasional farmsteads and dwellings, interspersed with hedgerows and trees.
5. The existing dwellings at the site comprise of a bungalow with dormer windows in the roof and a two storey dwelling (the farmhouse) positioned perpendicular

to it. Both dwellings are faced with white painted render with pantile roofs. Unlike the attached farmhouse, the annexe has a single pitch roof sloping away from the front elevation lead to a high eaves line to the front elevation. Stables and storage buildings adjoin the opposing end of the annexe, creating a lengthy row of buildings, that are progressively lower in height, with a strong linear character. This is evident in views from the A19 dual carriageway where the site is visible through occasional gaps in the roadside hedgerow.

6. The proposed annexe extension would include a small two storey element to the rear of the annexe, whilst also providing an additional storey extending over its full length and adjoining the gable of the farmhouse. Its roof would be dual-pitched which would reflect that of the farmhouse. Whilst this roof would step down slightly from that of the farmhouse, the proposal would nonetheless represent a substantial increase in volume and massing, significantly enlarging the annexe to a size that would be comparable to the existing dwelling. The scale and height of the extension would become a dominant and imposing addition to the gable of the existing dwelling at odds with its character and appearance and that of the building group in general. The scale of the addition would significantly increase the prominence of the site in views experienced by those travelling along the A19. On this basis, the extension would not be of a size or design that would be sympathetic to the existing dwelling.
7. I therefore conclude that the proposal would be harmful to the character and appearance of the area. It would therefore conflict with Policy HSG11, HSG12 and RUR1 of the Hartlepool Local Plan (2018) (the LP) which together seek to ensure that domestic extensions, including residential annexes, are of a size and design that is sympathetic to the existing dwelling and preserves the character and appearance of the area.
8. There would also be conflict with Policies GEN1 and GEN2 of the Hartlepool Rural Neighbourhood Plan (2018) which seek to limit development in rural areas to that which is appropriate, respects local character and does not have a significant impact on visual amenity. In line with paragraph 139 of the National Planning Policy Framework (the Framework) the development would not be well designed and should therefore be refused.

Annexe

9. Policy HSG12 of the LP states that proposals for residential annexes will be permitted providing that they serve an ancillary function to the existing dwelling and can be incorporated into the accommodation serving the main dwelling when no longer required.
10. In its reasons for refusal, the Council states that the proposed layout and number of rooms created 'would result in a form of development that would not serve as an ancillary function to the existing dwelling and would be of a form that could encourage its occupation as a separate dwelling in the future'. However, I am mindful that the proposal is for an extension to an existing annexe and not a proposal for a new annexe. The existing annexe is entirely self-contained with no access to the main dwelling and already comprises of all the facilities that would allow independent day-to-day living.
11. Nevertheless, a close relationship exists between the annexe and the main house which utilise the same access, parking and garden and are in the same ownership. This would continue following the implementation of the appeal

scheme. It is proposed to insert a ground floor link between the annexe and the farmhouse, thus providing greater physical linkages between the two than exists at present. Whilst the proposal would result in the annexe having an overall floor area comparable to that of the farmhouse, a large portion of the ground floor would be used as an office serving the family business which would be operated by occupiers of the annexe and the farmhouse. Through the ground floor link, the occupiers of the annexe and the farmhouse are likely to share various living activities as well as the office accommodation.

12. Having regard to the extent of the existing annexe accommodation and the close physical and functional relationship between the annexe and the dwelling described above, I am not convinced that the annexe would not continue to be occupied as ancillary accommodation to the farmhouse.
13. I therefore conclude that the proposed accommodation would serve an ancillary function to the main dwelling and would not be of a form that would increase the likelihood it would be occupied as a separate dwelling in the future. The proposal would therefore comply with the provisions of policy HSG12 of the LP insofar as it requires residential annexes to be ancillary to the main dwelling.

Other Matters

14. The appeal site falls within the catchment of the Teesmouth and Cleveland Coast Special Protection Area (SPA)/Ramsar site (a European Designated Site).
15. If I were minded to allow the appeal, I would need to be satisfied that the proposal would have no adverse effects on the integrity of the SPA. However, as I am dismissing the appeal because of my findings within my first main issue, there is no requirement for me to undertake this assessment.
16. The processing of the application and the time taken to determination relates to the practical administration of the application rather than to the acceptability of the scheme. Whilst I sympathise with the appellant with regard to the time taken to determine the application, I have nonetheless determined the appeal scheme on its planning merits.

Conclusion

17. The proposed development would conflict with the development plan. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR