



Appeal Decision

Site visit made on 21 May 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2024

Appeal Ref: APP/U2615/D/23/3330993

226 Beccles Road, Gorleston, Great Yarmouth NR31 8AH

- 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 & Mrs D & S Woodcock against the decision of Great Yarmouth Borough Council.
 - The application Ref is 06/23/0366/F.
 - The development proposed is an annex ancillary to main dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A new version of the National Planning Policy Framework (the Framework) was published on 19 December 2023 and therefore I have referred to that revised document in my determination of this appeal. I am satisfied that the parts of the Framework most relevant to this appeal have not substantively changed from the previous iteration.

Main Issues

3. The main issues are:
 - (i) Whether the proposed annex would be ancillary to the main dwelling or a separate independent dwelling unit
 - (ii) The effect of the proposal on the character and appearance of the area
 - (iii) The effect of the proposal on the living conditions of the occupiers of adjacent dwellings
 - (iv) The effect of the proposal on designated wildlife sites

Reasons

Whether ancillary or an independent dwelling unit

4. The proposed building would provide a living/kitchen area, bathroom, one bedroom and a storeroom. Whilst the description of development refers to the building being both an annex and ancillary to the main dwelling, it would appear that no details were provided with the planning application submission to provide any clarity as to who it is intended would occupy it, and on what basis occupation would take place relative to the existing dwelling. That the planning application was made as a full planning application and not a

householder planning application, with the Council advising that the requisite full fee was paid, casts further uncertainty on the matter. The planning application form also states that the proposed development would provide one new market dwelling, which contradicts its reference to ancillary use.

5. I do not have any specific details before me as to how the proposed development would be occupied on an ancillary basis as an annex. What is proposed would be sited in a position well away from, and physically separate from, the main dwelling, would be large in size and have all of the facilities needed to sustain self-contained day-to-day living. It would be able to be accessed on foot without entering the existing dwelling. Whilst the plans submitted do not show that it would have its own vehicular access, it appears that parking could be provided to the front of the existing dwelling. There is therefore nothing before me to show that the proposal would be anything other than a separate independent dwelling unit.
6. My attention has been drawn to a court judgement¹ relating to annex accommodation. However, in terms of its direct relevance to this appeal, that case in effect only establishes that whether or not a new planning unit is created is a matter of fact and degree for the decision maker. I have set out my reasons above as to why I consider a separate planning unit would be created, or perhaps more pertinently, why the appellant has failed to demonstrate that there would be no new planning unit. Whilst that case also found that the future possible use of such a building is not a relevant consideration, that was in the context of it having already been successfully established that the initial intended use would be an ancillary one.
7. On the basis of the information that has been provided with regard to the West Berkshire appeal² it would seem that there are some similarities to the current appeal proposal in that the vehicle access, parking areas, pedestrian routes and garden areas would all be shared. There is nothing before me to suggest that the proposed building in this appeal would not have the same postal address either, but equally it has not been shown that there would be anything to preclude a separate address being obtained. However, in any event, the appeal submission is silent on whether the occupants would use the main house for example for eating meals, washing clothes and socialising with the family, which were factors the Inspector considered showed an ancillary use in the West Berkshire case.
8. In the Luton appeal³ it was found that the addition of a kitchen into an existing granny annexe did not mean that a new planning unit had been created. But again, the appellant had set out that the occupant would still maintain a functional link with the main dwelling, and that in that particular case the need to install a kitchen had come about specifically because of the declining health of the occupant and other factors including in relation to the topography of the site. The circumstances in that case too therefore differ from the details that have been made available in respect of the appeal case.
9. In conclusion, the proposed building would provide the facility for independent self-contained living as a separate dwelling and the submissions that have been made do not demonstrate how and why this would not be the case. I am not

¹ Uttlesford District Council v Secretary of State for the Environment [1991] 2 PLR 76

² APP/W03040/W/22/3291473

³ APP/B0230/D/20/3248323

therefore satisfied that its use would be ancillary to that of the main dwelling. Consequently, the proposal does not accord with Policy H10 of the Local Plan Part 2 2021 (LP) where it requires that proposals for residential annexes be for ancillary use.

Character and appearance

10. The proposed building would be large in scale, albeit accommodated within the substantial rear garden area. Its size and appearance would be equivalent to that of a bungalow as opposed to a usual residential outbuilding, and I have found that it has not been demonstrated that it would be used on a basis ancillary to the main dwelling. The presence of a separate dwelling at the rear of a residential garden would be uncharacteristic of this locality and result in significant harm to the character and appearance of the area.
11. The Council raised further concern about the proposed external facing material. However, given the single storey nature of the proposal, the boundary screening and that the material would not be dissimilar to that used on buildings that might commonly be found in domestic gardens, the use of such a material would not in itself cause harm.
12. By reason of its scale, location and use, I find that the proposed development would fail to accord with policies H9, H10 and A1 of the LP and Policy CS9 of the Core Strategy 2015 (CS) where they seek to protect character and appearance. There would also be a conflict with the Framework where it seeks to ensure that developments are sympathetic to the surrounding built environment.

Living conditions

13. The parking area serving the existing property is set to its frontage. Here there is already a high level of traffic noise perceptible from Beccles Road, which is a busy A road, and from the A47 which is elevated in this location and is a major road carrying traffic to and from the Great Yarmouth urban area. In that context, the addition of vehicle movements to the front of the existing dwelling would not result in undue harm to the living conditions of the occupiers of adjacent dwellings through noise and disturbance.
14. Pedestrian access to the proposed development would be available to the side of the existing dwelling, adjacent to the boundary with 228 Beccles Road. This is an area in which the movement of pedestrians to and from the building would also not give rise to any significant increase in noise and disturbance in comparison to that which would normally be expected in a residential location.
15. In conclusion therefore, there would be no harm to the living conditions of the occupiers of nearby dwellings from the proposal. Consequently, there would be no conflict with the aims of Policy A1 of the LP and Policy CS9 of the CS, where they seek to safeguard living conditions.

Wildlife sites

16. The appellant states that they have made a direct payment to the Council with respect to the Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy but the Council's Officer Report states that this has not been received. However, given my findings on the other main issues, this is not a matter that is determinative on the outcome of this appeal.

Other Matters

17. The appellant refers to the benefits of annexes which they consider includes efficient land use, affordable housing solutions, support for an aging population, reduced administrative burdens and the promotion of sustainable development. However, as a separate independent dwelling unit such benefits would not transpire, and thus they do not offer any weight in favour of the appeal development.

Conclusion

18. Although no harm would arise to the living conditions of the occupiers of adjacent dwellings, on the basis of the information provided I have found that the proposal would be a separate independent dwelling unit and would result in significant harm to the character and appearance of the area. It would therefore fail to accord with the development plan taken as a whole and the appeal should be dismissed.

Graham Wraight

INSPECTOR