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## Appeal Decision

Site visit made on 20 May 2024

**by Ian McHugh DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19<sup>th</sup> June 2024**

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**Appeal Ref: APP/V2635/D/24/3339657**

**Elmcroft, Church Road, Terrington St John, Peterborough, PE14 7SA**

- 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 C and K Smith against the decision of Kings Lynn and West Norfolk Borough Council.
  - The application Ref 23/02225/F, dated 13 December 2023, was refused by notice dated 13 February 2023.
  - The development proposed is an extension to side of existing dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and the existing dwelling; and whether the proposal is tantamount to the creation of a separate dwelling.

### Reasons

#### *Character and Appearance*

3. The appeal property is a detached two-storey dwelling with a one and a half-storey attached double garage with dormer windows in the roof area. The property is situated within a large, spacious plot in a rural location, facing Church Road. It is a prominent building in the area, because of its scale and relatively open surroundings.
4. This section of Church Road is characterised by small groups of buildings, including dwellings and agricultural units. These are spread out along Church Road with gaps of open countryside between. Generally, the other dwellings in the area are smaller in terms of their size and scale.
5. The proposal is to add a one and a half storey side extension that would be linked to the existing garage. It would contain a sitting room, dining room, kitchen and wc/utility on the ground floor with a bedroom and shower room above. The extension would be built within the existing side garden of the dwelling and in front of an existing swimming pool structure.
6. The Council argues that the proposal would not be a subordinate addition to the property (because it would be wider than half the width of the existing dwelling) and, as such, it would fail to preserve the character or appearance of the existing dwelling and the surrounding area. It considers that the extension

would conflict with Policies CS02 and CS06 of the Council's Core Strategy 2011 (CS) and with Policies DM5, DM7 and DM15 of the Site Allocations and Development Management Policies Development Plan 2016 (SADMPDP). Policies CS02, CS06 and DM7 are more relevant to the second issue that I have identified and I shall deal with these below. Policies DM5 and DM15 generally require the design of development (including extensions) to be of high quality and to respond to the local setting. Paragraph 135 of The National Planning Policy Framework 2023 (The Framework) contains similar provisions.

7. I accept that the proposed extension would be in keeping with architectural style of the existing property, in terms of its gabled roof design and the use of matching materials. Whilst there would be a degree of subordination in terms of floor area and height, when compared to the existing property, it would still be a large addition in terms of its width and overall mass. Although, it would not be an overdevelopment of the site, the extension would significantly increase the elongated linear form of dwelling, which would be at odds with the character of other residential development in the area. It would also unacceptably compromise the open appearance of the site when viewed from Church Road.
8. Accordingly, I conclude on this issue that the proposal would be harmful to the appearance of both the area and the existing dwelling. Therefore, it conflicts with relevant policies of the Development Plan and with The Framework, as referred to above.

#### *Separate Dwelling*

9. The proposed extension would contain self-contained facilities for day to day living. Although the proposal includes an internal link to the existing garage, the Council considers that the proposal could be accessed independently from the main dwelling. Because of this, the Council states that the proposal would conflict with Policy DM7 of the SADMPDM, which, amongst other things, requires proposals for annexes to share the existing access, garden and parking, and to not be capable of sub-division. The Council also refers to conflict with Policies CS02 and DM7 which deal with the settlement hierarchy in the Borough and proposals for annexes outside of settlement boundaries.
10. Whether or not proposals for annexes are tantamount to proposals for separate dwellings is an issue that is the subject of extensive and often mixed judgements and appeal decisions. What is consistent however, is that each case should be determined on its merits.
11. I accept that the location of the appeal site is within an area of countryside where proposals for new dwellings are restrictive. I also accept that the proposal could be occupied and accessed independently from the main dwelling. Therefore, there is some conflict with parts of Policy DM7.
12. However, in reaching my conclusion on this issue I have given significant weight to the judgement in *Uttlesford District Council v Secretary of State for the Environment and White [1992]*, in which it was held that the use of an outbuilding within the curtilage of an existing dwellinghouse for primary residential purposes would not involve a material change of use, where it is used in conjunction with the dwelling, even when the occupants live independently from the main dwelling. The essential question is whether a separate planning unit would be created.

13. Whilst that judgement related to the conversion of an existing building, I consider that the same considerations apply to this current appeal. There is no indication that the proposal would result in a separate planning unit. It would share the existing garden, vehicular access and parking area. Furthermore, the occupation of the extension could be controlled by suitably worded condition. In my view, such a condition would be reasonable and could be enforced. Consequently, I do not find against the proposal on this issue.

### **Conclusion**

14. For the reasons given above in relation to character and appearance, it is concluded that the appeal be dismissed.

*Ian McHugh*

INSPECTOR