



Appeal Decision

Site visit made on 20 May 2024

by Rebecca McAndrew, BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2024

Appeal Ref: APP/Z0116/D/24/3341830

141 Headley Lane, Bishopsworth, Bristol BS13 7PH

- 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 A Burton against the decision of Bristol City Council.
 - The application reference is 23/01932/H.
 - The development proposed is to demolish existing outbuildings and erect a single storey detached outbuilding, for use as annexe, office and games room.
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Decision

1. The appeal is allowed and planning permission is granted to demolish existing outbuildings and erect a single storey detached outbuilding, for use as annexe, office and games room at 141 Headley Lane, Bishopsworth, Bristol BS13 7PH in accordance with the terms of the application, Ref 23/01932/H, 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 approved plans: location plan and PLN-1
 - 3) The building hereby permitted shall not be used other than as part of and/or for purposes ancillary to the use of the dwelling known as 141 Headley Lane.

Procedural Matter

2. I have taken the description of development in the banner above from the Council's Decision Notice as it is more detailed than that included on the application form.

Main Issue

3. The main issue is whether the proposed building would constitute a separate dwelling.

Reasons

4. The footprint of the proposed building would not be significantly larger than the existing detached building to be demolished. It would be a similar length but wider in parts. The Council considers that, when comparing the footprint of the proposed building to that of the main house, it would not be ancillary and therefore would constitute an annexe. However, this is a matter of judgement

as there are no planning policies which include a firm threshold or size to define what constitutes ancillary in such cases. I note that other annexes in the area are smaller than the appeal proposal. Nonetheless, given that the proposed building would be single storey, would have a smaller footprint than the main house and would sit within a spacious plot, it would appear subservient to the appellant's home.

5. It is indicated that part of the proposed building would be occupied by the appellant's parents. It would be detached from the main house, but both buildings would remain in single ownership and share a postal address and utilities. The building would provide a living area, bedroom and ensuite. It is explained that the occupants of the outbuilding would share kitchen facilities with the main dwelling. The plans show that the structure would not include a kitchen. The building would also include an office area and games room for the use of residents of the main house. The outbuilding is also reasonably close to the main dwelling. These are all indications that the building would be used in an ancillary form to the main house.
6. I acknowledge that the building would be located adjacent to a secondary access to the appeal site and therefore the occupants could, in principle, access the proposed building without needing to go through the host dwelling or its garden. Nonetheless, this rear access is not new and could be used at the present time and I see no reason why the occupants of the building would not share the main access to the property off Headley Lane. It is also confirmed that the garden would not be subdivided. Taking all of the above into account, the unit as proposed, albeit large, would operate as part and parcel of the main dwelling.
7. I am satisfied that a condition to restrict the use of the proposed building would make the development acceptable in planning terms and would ensure the use would be limited to the ancillary accommodation as applied for.
8. In conclusion, the proposed accommodation would appear as subservient to, and form part and parcel of, the main dwelling use and would not constitute a separate dwelling. Consequently, there would be no conflict with the Bristol Local Plan – Site Allocations and Development Management (2014) Policies DM26 and DM27 and Policy BCS21 of the Bristol Development Framework Core Strategy (2011) which, taken together, require proposed buildings to respond to the character and appearance of the existing dwelling and area.

Other Matters

9. I note an adjacent neighbour's concerns regarding potential overlooking. However, having regard to the distance that would be retained between the two properties, as well as the fact that the proposed building would be single storey, I am satisfied that there would not be an unacceptable loss of privacy or adverse effect on the living conditions of neighbouring occupants from the scheme.

Conclusion

10. For the reasons given, and taking account of all matters raised, the appeal is allowed.

Rebecca McAndrew

INSPECTOR