

Appeal Decision

Site visit made on 6 August 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2024

Appeal Ref: APP/L2630/W/23/3331119

51A The Street, Surlingham, Norfolk, NR14 7AJ

- 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 Andy Lloyd against the decision of South Norfolk District Council.
 - The application Ref is 2022/1505.
 - The development is a new build annexe to the rear of the main dwelling to provide independent living for the daughter of the applicant.
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Decision

1. The appeal is allowed and planning permission is granted for a new build annexe to the rear of the main dwelling to provide independent living for the daughter of the applicant, at 51A The Street, Surlingham, Norfolk, NR14 7AJ, in accordance with the terms of the application, Ref 2022/1505, subject to the following condition:
 - 1) The annexe hereby permitted shall not be used or occupied at any time other than for purposes ancillary to the dwelling currently known as 51A The Street, Surlingham, Norfolk, NR14 7AJ.

Preliminary Matters

2. The annexe has already been constructed and planning permission is therefore sought retrospectively. Although not referred to in the description of development on the application form, the plans include a domestic storage building, for which retrospective planning permission is also sought. I note that the local planning authority dealt with the application on this basis and as such I have determined the appeal accordingly.
3. Since the application was determined, the Joint Core Strategy for Broadland, Norwich and South Norfolk has been replaced by the Greater Norwich Local Plan. I have therefore disregarded the superseded Core Strategy in reaching my decision.

Main Issues

4. As the domestic storage building is not referred to in the Council's reasons for refusal I have focussed my decision primarily on the residential annexe. The main issues are whether the annexe can reasonably be regarded as ancillary to the main dwelling, and the effect of the development upon the character and appearance of the area.

Reasons

Whether an ancillary annexe

5. The detached residential annexe comprises an open plan kitchen, dining and living area, two small bedrooms and a shower room. Despite being small, it is self-contained and has all the facilities necessary for day-to-day living. It is located approximately 40 to 50 metres from the main dwelling in an extended area of garden, which can be accessed from an adjacent public right of way (PROW) as well as via the main garden to the rear of No.51A The Street. However, this does not automatically mean that a new dwelling or new planning unit has been created.
6. The annexe is a small single storey building and is clearly sub-ordinate in scale to the much larger host dwelling. Although there is pedestrian access from the PROW, it is highly unlikely that this access would be used other than for leisure and recreational purposes given that it is narrow, unsurfaced, undrained, and unlit. On street parking is not possible on The Street due to the narrow width of the road. As such parking for the annexe would be shared with the main house, utilising the gravel driveway to the front of it. From the driveway there is a level, surfaced, clean, safe, pathway that runs alongside the main house and through the rear garden to the annexe. Although there is a low fence around the annexe and storage building, it is not unusual for large gardens to be sub-divided into different areas and this does not segregate these buildings from the wider garden area or from the very clear shared pathway that connects the main dwelling to the annexe and other outbuildings. I am also advised that the annexe shares the same water and electricity supply and is connected to the same wastewater disposal system as the main dwelling.
7. The annexe is required for the appellant's adult daughter to live in. I understand that she currently still lives at home and due to health reasons, she would find it difficult to live alone in an unsupported environment. The annexe would provide her with a much greater level of privacy and independence than living in the main family home, whilst also retaining the supported living and care requirements necessary to meet her existing and future personal needs.
8. The relationship of the occupiers, the provision of care, and the shared vehicular access, parking and garden areas, would result in regular comings and goings between the buildings. This together with the shared services and the sub-ordinate scale of the annexe in comparison to the main house leads me to the view that the annexe would be ancillary to the main dwelling.
9. I therefore conclude that despite being detached from the main dwelling, the annexe would not constitute a separate dwelling unit due to the physical and functional relationship between the buildings and the occupiers. A suitable condition can be imposed to ensure that the annexe can only be used for purposes ancillary to the main dwelling. The condition I have proposed would enable the annexe to continue to be used for purposes ancillary or incidental to the main dwelling on the site if it is no longer required to provide care for a family member.
10. Consequently, the development would not conflict with Policy DM3.7 of the South Norfolk Local Plan Development Management Document 2015 (the South Norfolk LP), which states that annexe accommodation will be considered favourably provided that it is designed so that it can continue to be

used as part of the main dwelling, without creating an independent dwelling. Whilst I have had regard to the supporting text, which suggests that annexe accommodation should ideally be directly connected to the main dwelling by an internal link or have a close spatial relationship with shared facilities and space, this is not policy. As Policies 5 and 7.4 of the Greater Norwich Local Plan (the GNLP) relate to new housing, they are not relevant to the development before me for a domestic annexe and store. Planning permission would be required to change the annexe to a dwelling.

Character and appearance

11. The annexe and storage building are within an extended area of garden land located behind a line of dwellings which front onto The Street. Whilst I have not been provided with a copy of the decision and plans, it is undisputed between the main parties that the appeal buildings sit within an area of land that was granted planning permission to be used as residential garden in 2012. As such, the buildings are not on agricultural land and do not encroach further into the countryside than the approved residential garden plot.
12. I am advised that permitted development rights were removed from the extended garden to protect the character and appearance of the area. The removal of permitted development rights does not necessarily mean that no buildings should ever be allowed on the site, but it provides the local planning authority with control relating to matters such as the scale, location and appearance of any new buildings or structures.
13. Although there are other single storey domestic outbuildings and structures to the rear of dwellings in this area, due to the extended garden at No.51A, the annexe and store are set further back from the frontage houses. However, given their small scale, single storey nature and timber clad appearance, together with the fact they sit within a domestic garden that is screened by mature landscaping and is distinctly different in character and appearance to the arable fields beyond, the buildings are not visually prominent and do not detract from their surroundings.
14. I therefore conclude that the annexe and store buildings cause no harm to the character and appearance of the area. Consequently, the development does not conflict with Policy DM3.8 of the South Norfolk LP or Policies 2 and 3 of the GNLP, which seek to ensure development is of high-quality design that respects its surroundings.

Other Matters

15. Whilst I acknowledge that the annexe building on the site has previously been used as a holiday let, the appeal before me does not relate to a dwelling or a holiday let, and I can only consider the development that has been applied for. As the annexe would be occupied by an existing member of the main family home on the site, it would not increase traffic and would have a negligible effect on local infrastructure and services. As each application is determined based upon its own merits, granting planning permission for this development would not set an undesirable precedent for others to build in their back gardens.
16. I am advised that the appeal decision granting planning permission for the extended garden, removed permitted development rights for gates, walls and fences as well as buildings. However, the appeal before me relates only to the unauthorised buildings. The Council may choose to take enforcement action against any other unauthorised development on the site, within the relevant

timescales, should it consider that harm is being caused and that it would be expedient to act in the best interests of the public.

17. Emergency access and drainage are matters for Building Control and the buildings, due to their scale, siting, ancillary use, distance from neighbouring dwellings and the presence of existing boundary fences and landscaping, would not result in loss of light or privacy, or result in any other unacceptable form of disturbance to occupiers of nearby residential properties.

18. I understand that other proposals for backland development in the area have been resisted due to restricted access and their effect on the character and appearance of the area. However, I do not have the details of those other proposals and have considered the development before me on its own merits.

Conditions

19. As the development has already been completed in accordance with the submitted drawings it is not necessary to impose conditions specifying a time limit for commencement or listing the drawings that the development must be completed in accordance with.

20. As the planning system exists in the interests of land use and the Planning Practice Guidance (PPG) states that it is rarely appropriate to use conditions to limit the benefit of planning permission to a particular person, I have imposed a condition to ensure that the use of the annexe remains ancillary to the main dwelling. Notwithstanding the fact that the sub-division of the planning unit and use of the annexe or store as a separate dwelling or holiday home would constitute a material change of use requiring planning permission, I consider the condition to be necessary to provide certainty. This condition would avoid the establishment of an additional independent dwelling.

Conclusion

21. For the reasons given above, and having had regard to all matters raised, the appeal is allowed.

R Bartlett

INSPECTOR