



Appeal Decision

Site visit made on 11 September 2024

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2024

Appeal Ref: APP/M2840/D/24/3343387

2 Main Street, Mawsley, NN14 1GA

- 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 Mrs Lisa Smith and Mr Chris Smith against the decision of North Northamptonshire Council.
 - The application Ref is NK/2023/0678.
 - The development proposed is a garage conversion to create a residential annexe with 2 off-road parking spaces.
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Decision

1. The appeal is allowed and planning permission is granted for a garage conversion to create a residential annexe with 2 off-road parking spaces at 2 Main Street Mawsley, NN14 1GA in accordance with the terms of the application Ref NK/2023/0678, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers: SMI-556-PA-010; and SMI-556-SUR-010.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 2 Main Street, Mawsley, NN14 1GA.

Main Issues

2. The main issues are
 - Whether the proposal would create a separate independent dwelling;
 - The effect of the proposal on the living conditions of the occupants of neighbouring dwellings with, particular regard to noise and disturbance and vehicle movements.

Independent Dwelling

Reasons

3. The appeal property is a detached dwelling, situated within a modern residential estate. It includes a double garage at the rear which is accessed via a private drive that is shared with neighbouring properties.
4. The proposal is to convert and extend the garage to form an annexe that would contain a kitchen/living area, bedroom, and shower room. The appellants state that it would provide accommodation for existing family members and visiting relatives. The proposal also involves repositioning an existing fence to enable the provision of two tandem parking spaces, which would be in addition to existing spaces in front of the garage.
5. The Council contends that the proposal is tantamount to the creation of a separate dwelling, because of the works involved, its detached position, the access, and the self-contained nature of the accommodation. It states that a new dwelling in such a backland location would conflict with Policy 8 of the North Northamptonshire Joint Core Strategy 2011-2033 (JCS), which seeks (amongst other things) to ensure that development responds to local character, with a satisfactory means of access and parking provision.
6. I accept that if the proposal was to be a separate dwelling, then there would be some conflict with Policy 8 of the JCS. However, the fact that an annexe would provide self-contained living space, does not necessarily equate to the creation of a separate planning unit.
7. In *Uttlesford DC v SSE & White* [1992], the judge found that it is a matter of fact and degree as to whether a 'granny annexe' would constitute a part of the main planning unit, or create a separate one. If the proposal does not create a new planning unit, and the annexe in question could be considered a part of a single family's occupation of the main dwelling, it follows that it can be considered to be an incidental use. In *Uttlesford*, the person to be accommodated "would have her own bedroom, bathroom and, I assume, lavatory, small kitchen, somewhere to sit and her own front door. To that extent she will be independent from the rest of her family." The judge goes on to say that he finds "no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling."
8. In this current appeal case, based on the evidence before me, I have no reason to conclude that the development would be separate dwelling/planning unit. No sub-division of the garden is proposed and the parking spaces would be shared. Furthermore, occupancy of the annexe can be controlled by a planning condition, a matter that I will address later in this decision letter.

Living Conditions

9. The Council expresses concern that the occupancy of the proposed annexe would be harmful to the living conditions of the occupants of the neighbouring dwelling at number 4 Main Street (number 4), due to the possibility of noise and disturbance and conflicting vehicle movements. Policy 8 of the JCS also states that development should not have an unacceptable impact on the amenities of neighbouring properties.

10. The proposed annexe would be physically closer to the host dwelling than it would be to number 4 and the living space within the annexe would be relatively small being suitable for only 1 or 2 persons. Given the proposed occupancy and the control that the appellants would have, I am not persuaded that any noise and disturbance would be excessive or unduly harmful.
11. Likewise, I observed at my site visit that the creation of the additional space for parking and manoeuvring would ensure that the parking and vehicle movements (notwithstanding the slight shortfall in its width) would be unlikely to be either conflicting or dangerous.
12. Consequently, I consider that the proposal would not have an unacceptably harmful effect on the living conditions of number 4 and therefore, on this issue, the proposal would not conflict with Policy 8 of the JCS.

Conditions

13. The Council has suggested conditions in the event of the appeal being allowed. In addition to the standard conditions relating to the time period in which to commence the development and the listing of the approved plans, I have also attached a condition requiring that the external materials match the existing. This is to ensure a satisfactory appearance.
14. A further condition preventing the annexe being used as a separate dwelling is imposed. This is necessary, as the creation of a separate planning unit would conflict with Policy 8 of the JCS.

Conclusion

15. For the reasons given above, the appeal is allowed.

Ian McHugh

INSPECTOR