



Appeal Decision

Site visit made on 12 December 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 03 January 2025

Appeal Ref: APP/V2635/D/24/3347798

51 Buckenham Drive, Stoke Ferry, PE33 9SG

- 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 Matt Kenny against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 23/02284/F.
 - The development proposed is the conversion of a games room, above a garage into a self-contained annex.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a games room, above a garage into a self-contained annexe at 51 Buckenham Drive, Stoke Ferry, PE33 9SG, in accordance with the terms of the application, Ref 23/02284/F, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 3) The development hereby permitted shall be carried out in accordance with the approved plans.
- 4) The living accommodation hereby approved shall be ancillary to the use of the main dwelling at 51 Buckenham Drive and shall not be occupied as a separate unit of accommodation that is not ancillary to 51 Buckenham Drive.

Main Issues

2. The main issues in this case are the effect of the conversion, including the dormer, on the streetscene, and whether the proposed annex would be capable of use as a separate dwelling.

Reasons

3. Policy DM7 of the Site Allocations and Development Management Policies Plan 2016 (SADMPP), which deals specifically with proposals for Residential Annexes, states that residential annexes will be approved subject to:
 - It remains in the same ownership as and is occupied in conjunction with the principal dwelling; and does not appear as tantamount to a new dwelling.
 - It is ancillary and subordinate in scale to the principal dwelling.
 - Its occupant(s) share(s) the existing access, garden and parking of the main dwelling.
 - Occupation of the annexe is subsidiary to that of the main dwelling.
 - Not capable of sub-division.
4. The appeal property is a 1950's two-storey semi-detached property that is positioned on the northern side of Buckenham Drive. The property has a generous sized plot. The dwelling is south facing, and the garage is situated at the rear of the property. The garage in question cannot be seen from the front of the property which has no front vehicular access. The access to the appeal property is at the end of a short cul-de-sac which, having turned back on itself, runs parallel to the main length of Buckenham Drive. The turning head at the end of the cul-de-sac is beyond the dwellings that front onto this part of the road and the property that flanks it, but also gives access to the rear of No.49 Buckingham Drive.
5. The garage, which is a timber clad, timber frame building, can only be seen with any clarity from this short length of cul-de-sac. Its present impact on the streetscene is minimal. It is the west elevation of the building which is viewed from the end of the cul-de-sac, which is a plain gable with a square window at first-floor level. This would remain. In addition, there would be 2 relatively small gabled dormers on both the north elevation, facing a large industrial building that dominates the site, and the south elevation facing the rear of the host dwelling. These changes would have little impact on the streetscene: not sufficient to be regarded as harmful and warranting refusal on that account.
6. The proposal is put forward on the basis that the annexe would remain in the same ownership as and occupied in conjunction with the principal dwelling and its occupants would share the existing access, garden and parking of the main dwelling. The modest change to the garage building would not appear as tantamount to a new dwelling: it would remain ancillary and subordinate in scale to the principal dwelling
7. It is true that it could, in future, be the subject of a proposal to separate it from the existing house. Whilst this would be a possibility, the completed conversion would not be of a scale that it could not be used in some other subordinate use to the existing house, such as for hobbies or as a home office. In addition, the property is within the built-up area of Stoke Ferry, where new dwellings would not normally be against policy in principle. However, such a proposal would most likely come up against detailed policies such as those relating to amenity and privacy, and therefore would be resistible by the council.

Conclusion

8. I conclude that the building as proposed to be altered would not be harmful to the streetscene. With a suitable condition attached to a planning permission to meet the fourth and fifth bullet points it would conform to Policy DM7. Furthermore, the proposal would not conflict with Policies CS02 and CS06 of the Core Strategy, Policy DM15 of the SADMPP 2016 and Policy SF4 of the Stoke Ferry Neighbourhood Plan.

Conditions

9. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested 2 conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance.
10. The 2 suggested conditions are that the materials shall match those used in the existing building, and that the development be carried out in accordance with the approved plans. I will adopt both of these for clarity as to the details of the approved development and for the avoidance of doubt.
11. In addition, the condition that I refer to in paragraph 8 above is necessary to enable the local planning authority to retain control over the development which has been permitted, in accordance with Policy DM7, where the occupation of the annexe as a separate dwelling would be in conflict with that policy.

Terrence Kemmann-Lane

INSPECTOR