



Appeal Decision

Site visit made on 13 January 2025

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2025

Appeal Ref. APP/J1915/D/24/3349204

Kingscote, The Street, Furneux Pelham, Hertfordshire SG9 0JZ

- 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 Dean Proctor against the decision of East Hertfordshire District Council.
- The application ref. is 3/24/0749/HH.
- The development proposed is: "Alterations to the detached first floor granny annexe and ground floor garage/storage outbuilding, including a single storey side storey extension (sic), convert the ground floor storage room and incorporate into the existing first floor granny annexe. Change part of first floor granny annexe into ancillary storage".

Decision

1. The appeal is allowed and planning permission is granted for alterations to the detached first floor granny annexe and ground floor garage/storage outbuilding, including a single storey side extension, convert the ground floor storage room and incorporate into the existing first floor granny annexe and change part of first floor granny annexe into ancillary storage at Kingscote, The Street, Furneux Pelham, Hertfordshire SG9 0JZ in accordance with the terms of the application, ref. 3/24/0749/HH, 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 following approved plans titled and/or numbered: Location Plan; Existing Plans EP-101; Existing Elevations EP-102; Site Plans PP-03; Proposed Plans PP-101; and Proposed Elevations PP-102.

Preliminary matters

2. A revised National Planning Policy Framework (Framework) was published on 12 December 2024. The new 2024 version does not however differ from the previous version insofar as it relates to the main issue in this appeal. The cases of the main parties will not therefore be prejudiced by my reference to the new version. I have proceeded on this basis.
3. The description of the proposal in the heading above is taken from the Council's decision notice and the appeal form. Even with the identified minor error, it is more comprehensive than the one provided on the application form.

Main issue

4. The main issue is whether the resulting annexe, with particular reference to its size, scale and layout, would be consistent with development plan policy relating to the provision of residential annexes in the area.

Reasons

5. My assessment of the main issue is based on the most relevant policies of the development plan, which are found in the East Herts District Plan 2018 (EHDP) and takes into account all other material considerations including the Framework and the Technical housing standards – nationally described space standard (THS).
6. Kingscote, a 2-storey detached house on a T-shaped plot, lies in a rural area amongst a small cluster of dwellings. In the rear garden, there is a detached outbuilding, finished in timber weatherboarding and plain red tiles, which provides for parking and storage below a self-contained, one-bedroom annexe laid out in the roof space. The annexe, currently unoccupied, can only be entered via an external staircase. A cobbled driveway leads from the road to the front of the outbuilding.
7. The appellant essentially wishes to rearrange and add a single-storey side extension to the outbuilding in matching materials so that the modified annexe offers more suitable accommodation for an elderly relative with reduced mobility. So, the scheme would allow for the annexe's main living area to be located on the ground floor, an internal staircase with a stairlift, a ground floor entrance door and a footpath link to the rear conservatory in the main dwelling a short distance away.
8. The Council took the view that the proposal, including the single storey side extension to the residential annexe, by reason of its size, scale and layout, would provide in excess of the minimum level of accommodation required to support the needs of the future occupant. Policy HOU13 of the EHDP covers residential annexes. I have studied all 4 criteria of that policy; it is clear that (b) is of most relevance here. This indicates that residential annexes will be permitted where *the scale of the annexe does not dominate the existing dwelling and is the minimum level of accommodation required to support the needs of the occupant*.
9. The scale of the annexe (and outbuilding) as extended would plainly not dominate the existing dwelling. There would be a strong degree of visual subordination as it would not challenge the dominance of the main dwelling in terms of its overall built form, height, layout, size, scale and materials of construction. The Officer's Report notes that the scheme would not appear disproportionate to the existing dwelling.
10. I have not been referred to anything in the development plan or in any local guidance which contains a definition, numerical or otherwise, as to how the minimum level of accommodation required to support the needs of the occupant is to be assessed. Any assessment should take into account that the annexe would have all the necessary facilities for day-to-day living, just like the existing annexe.
11. It is criticized by the Council as having a floor area (about 46 sq. m) which would exceed the minimum gross internal floor area for a 1-bedroom, 1-person unit of 39 sq. m set out in the THS. However, these national standards are not incorporated into Policy HOU13 or its explanatory text and are general, nationally applied and not specific to the needs of the future occupant which is what drives

Policy HOU13. I would expect the appellant and the intended occupier to be in the best position to determine the minimum level of accommodation required.

12. Moreover, if those standards are to be considered, it should be recognised that they are minimum standards which place no restriction on the maximum size of a housing unit as such and that the proposed annexe would not reach the next minimum gross internal floor area category of 50 sq. m. With the internal floor space being well below 50 sq. m, the resulting annexe would not be a significantly sized building. As an annexe, it would not provide an extravagant amount of accommodation: a living room with kitchenette and an en suite bedroom. The extra 7 sq. m (over the 39 sq. m set out in the THS) is fully justified by the need for the internal staircase and stairlift, internal clearance for the ground floor entrance door and the en suite bedroom which would allow for the fitting of a bath and more circulation space, compared to the existing small and separate shower room.
13. Even though the annexe would provide all the facilities required for day-to-day living, it would not necessarily become a separate independent planning unit from the main dwelling as the Council seems to fear. As a matter of fact and degree, the accommodation would plainly be capable of being occupied as an annexe, taking into account the following: the first intended occupier would be a close family member who is likely to share various living activities with the family in the main dwelling; the whole site of Kingscote would remain owned by the appellant with no suggestion of there being any subdivision of the plot or separate titles, bills or postal addresses or any letting to tenants; the annexe would be reasonably close to, well related to and have a clear functional link to the main house with the windows to the habitable spaces directly overlooking part of the rear garden area and driveway and with the footpath link and ground floor entrance enhancing the connectivity between the 2 buildings when compared to the existing annexe; the access, parking and garden areas are clearly capable of being shared; and the floor area of the annexe would be far smaller than that of the main dwelling.
14. I find on the main issue that the resulting annexe, with particular reference to its size, scale and layout, would be consistent with development plan policy relating to the provision of residential annexes in the area.
15. Turning to other important matters, in the Rural Area Beyond the Green Belt, EHDP Policy GBR2 permits the extension and alteration of a building provided it is essentially compatible with the character and appearance of the site and the rural surroundings. There is a similar approach in Policy HOU11, a general policy relating to extensions and alterations to all dwellings and residential outbuildings. Policy DES4 seeks a high standard of design. Policy HA7 refers to the setting of listed buildings. The Council was satisfied that the proposal would meet these policies. I agree. Noting the outbuilding's secluded setting next to the rear boundary, the resulting development would be neither intrusive nor prominent in the public realm and would preserve the setting of Lavengro, the adjacent thatched listed building. It would be complementary to the host building and site in terms of its scale, form and siting and make a visually positive contribution to the area.
16. That the scheme would enhance the quality of life for the occupiers of Kingscote by enabling a high quality housing option for dependent older relatives far better suited

to their needs than the current annexe is a further factor that weighs in favour of granting planning permission.

17. The appellant points to a site elsewhere in the district where permission was granted (ref. 3/21/1992/HH) for a detached annexe with a floor area of 42 sq. m. Bearing in mind that I do not have the full details of that case before me, that I do not know if the Council applied the THS to its assessment and that it is an established planning principle that each case should be considered on its own individual merits, this other case has played no part in the decision I have reached.

Conditions

18. I have reviewed the 4 conditions suggested by the local planning authority in its questionnaire. I shall impose conditions setting the standard time period in which the development is to commence and requiring that the development is carried out in accordance with the relevant approved drawings to provide certainty.
19. A condition to secure the use of matching materials is not necessary; matching finishes are clearly confirmed on the drawing Proposed Elevations PP-102.
20. The Council also suggested the need for a condition to require the annexe to be used for purposes ancillary to the residential use of the single dwelling at Kingscote and to ensure that it is not sold or rented separately. This type of condition is floated, although not specifically required, in paragraph 14.14.3 of the EHDP and would reflect the purposes stated by the appellant. The use of the annexe for other purposes might raise wholly different considerations in planning terms, particularly in the Rural Area Beyond the Green Belt. Still, the existing annexe is not subject to such a condition and the use of the building or part thereof as a separate or independent unit of accommodation (or some other material change of use) would first require planning permission in any event. So a condition restricting such a change is somewhat superfluous and is not imposed.

Conclusion

21. For the reasons given above particularly the scheme's accordance with the development plan and having regard to all other matters raised and the lack of objections from local residents, Ward Members and the Parish Council, I conclude that this appeal should be allowed.

Andrew Dale

INSPECTOR