



Appeal Decision

Site visit made on 23 March 2025

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal Ref: APP/P1045/D/25/3359680

39 Sudbury Park, Sudbury, Derbyshire DE6 5HU

- 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 Robin Ough against the decision of Derbyshire Dales District Council.
 - The application Ref is 24/00893/FUL.
 - The development proposed is erection of a granny annexe.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a granny annexe at 39 Sudbury Park, Sudbury, Derbyshire DE6 5HU in accordance with the terms of the application, Ref 24/00893/FUL and the plans submitted with it, subject to the conditions set out below:
 - 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 materials identified on the application form and approved plans: Location Plan; Amended Block Plan; Floor Plan; Elevation plan 1; Elevation plan 2; Elevation plan 3; and Elevation plan.
 - 3) No development above the footings shall commence until materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 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 39 Sudbury Park.
 - 5) The window serving the shower room (right side elevation) and the window serving the living room (rear elevation) shall be permanently fitted with obscured glass of a type to substantially restrict vision through it at all times. Once installed the obscured glazing shall be retained thereafter.

Procedural Matter

2. I consider an amended version of the description of development from the application form would accurately describes the appeal scheme concisely and accordingly I have adopted an amended description in the heading above.

Main Issues

3. The main issues in this appeal are (i) whether the proposed development would be ancillary to the main property; and (ii) the effect of the living conditions of occupiers of surrounding properties.

Reasons

Ancillary

4. Policy HC12 of the Adopted Derbyshire Dales Local Plan (2017) (the Local Plan) supports the provision of accommodation for older people, one assumes this also applies to other dependants however it is not explicit in the policy.
5. Policy HC12 confirms that planning permission will be granted for the creation of an annexe where criteria outlined in the policy are met. Criterion A confirms that the annexe must be linked to the main dwelling by an internal door or doors; and criterion B that the annexe must be readily convertible into an extension to the main dwelling when no longer required for family health circumstances.
6. The policy goes on to state that permission may be granted to convert an existing outbuilding within the curtilage of a dwelling house to a self-contained annexe where it is not possible to attach the outbuilding to the main house.
7. The proposed outbuilding would not be attached to the appeal property. However, it would sit within the garden with no private garden of its own, there is no proposal to form a separate curtilage around the building. Water, electrics and sewage would be connected to the host property, there would further be no separate parking provision.
8. The building would be positioned towards the rear boundary of the modest garden in close proximity to the appeal property. Together with the orientation of the outbuilding towards the appeal property with facing windows, it would therefore retain a close physical relationship with the host dwelling.
9. Due to the physical relationship with the appeal property, it would not be easy to occupy the outbuilding as an independent property. In my view, the development would therefore in effect form an extension to the host property, albeit physically detached.
10. The proposed annexe would be single storey comprising living room, shower room and bathroom. The application form indicates a small kitchenette would also be included in the annexe.
11. The appellant confirms that the annexe would be used by their mother who has mobility difficulties. While the proposed development would include facilities for cooking and sleeping, in all probability, the nature of the outbuilding's residential use would be functionally linked to the main dwelling.
12. It is established in case law that annexes can offer all amenities for habitation, however they must functionally be part of the same residential planning unit as the main property. The annexe would share the existing garden, access, car parking and given the limited cooking facilities would have a functionally link to the main property.

13. The annexe once no longer required could be converted into alternative accommodation for instance home office, hobby room, gym etc, which are uncommon within outbuildings.
14. I find that the proposed development would be physically, visually and functional ancillary to the main property.
15. The proposed development would result in an annexe that is ancillary to the main property. It would not constitute a separate independent dwelling. There is no conflict with Policy HC12 of the Local Plan which seeks amongst other things to support the provision of accommodation for older people which ensures that they are able to sustain on-going independence either in their own homes or with the support of family members.

Living Conditions

16. The proposed development includes ground windows facing towards the appeal property. A secondary window to the rear elevation serving a habitable room (living room) would face No's. 57 and 58 Sudbury Park and a window serving a shower room would face No. 38 Sudbury Park.
17. The garden is bounded by mature planting and high boundary treatments which would screen the proposed development from neighbouring properties. Notwithstanding this the window serving the shower room and secondary window serving the habitable room could be fitted with obscure glazing to ensure privacy is maintained. This can be controlled through the imposition of a planning condition.
18. Whilst windows face towards the appeal property given the physical and functional connection this would not be unusual. These windows also face towards the rear elevations of neighbouring properties however these would be at ground floor level, due to the distance and screening of the appeal site overlooking and loss of privacy would be limited.
19. I conclude that the proposed development would not harm the living conditions of occupiers of surrounding properties. There is no conflict with Policy PD1 of the Local Plan which seeks amongst other things to ensure developments protect the living conditions of adjacent developments.

Conclusion and conditions

20. For the above reasons I conclude that this appeal should be allowed.
21. I have imposed a standard condition relating to the commencement of development and a condition specifying the relevant plans as this provides certainty. In order to safeguard the character and appearance of the area I have imposed a condition concerning materials.
22. In the interest of protecting the amenity of neighbouring properties, I have imposed a condition relating to the provision of obscure glazing.
23. I have imposed a condition requiring the proposed development to be ancillary to the main dwelling and not be used as a separate property in the interests of ensuring a satisfactory form of development and protecting the living conditions of existing and future occupiers of neighbouring properties.

Chris Pipe

INSPECTOR