



Appeal Decision

Site visit made on 4 March 2025

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st March 2025

Appeal Ref: APP/V1260/W/24/3354085

45 Brixey Road, Poole BH12 3EY

- 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 S Cox against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/24/00659/F.
 - The development proposed is change of use of garage to ancillary annexe accommodation in association with 45 Brixey Road.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of garage to ancillary annexe accommodation in association with 45 Brixey Road at 45 Brixey Road, Poole BH12 3EY in accordance with the terms of the application, Ref APP/24/00659/F, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos DAK/BR/01 RevA - Location Plan; DAK/BR/02 RevA - Block Plan; DAK/BR/10 - Proposed Site Plan; DAK/BR/05 - Proposed Floor Plans; DAK/BR/06 - Proposed Elevations; DAK/BR/08 - Proposed Section Through.
 - 3) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

Application for costs

2. An application for costs was made by Mr S Cox against Bournemouth Christchurch and Poole Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the building could satisfactorily function as ancillary accommodation, having regard to the proposed manner of its occupation; and

whether it would provide suitable living conditions for existing and future occupants with regard to internal space, external amenity space and safety.

Reasons

4. 45 Brixey Road is a ground floor flat in a two-storey building. The upper floor is also a flat (No 45A), with a ground floor access door in the centre of the front elevation. The long rear garden of the plot has been divided, so that each flat has its own private outdoor amenity space. Access to the rear garden of No 45A is achieved via a shared accessway to the side and rear of No 45. The building that is the subject of this appeal is a detached garage situated about five metres to the rear of No 45. It is within the enclosed rear garden of No 45 and the evidence indicates that it is used for purposes ancillary to the residential use of No 45, including a first-floor office that is accessed via an internal staircase.
5. The proposal involves the conversion of the ground floor of the garage to an en-suite bedroom, which would be segregated from the stairway. A glazed door would replace the existing garage door, giving access to the stairway to the first-floor office. The only other external alterations would be an additional window and two rooflights in the rear elevation, and some wood cladding to one of the side gables. It is not disputed that these alterations would not harm the appearance of the street scene, or that the outbuilding would remain proportionate and subservient to the main building.
6. Whilst the building would contain a bedroom and shower room, occupants would be reliant on the facilities in the main dwelling for cooking, dining, and laundry. It is not disputed, therefore, that there would be a functional connection with the main dwelling. The proposal is clear, both in its description and supporting information, that it would not create a separate unit of accommodation. Rather, the intended use is, in the longer term, to provide a degree of independent living for a teenager. In the shorter term it would be used by the appellant as additional living accommodation and would provide space for visiting family and friends. The first floor would continue to be used as an office space for the occupants of the main dwelling, or for other domestic purposes, such as a gym or cinema room.
7. Paragraph 6.56 of the Poole Local Plan (November 2018) (the Local Plan) says that the Council is supportive of dwelling annexes, where the new accommodation is within the curtilage of a dwelling and can provide a degree of independent living for family members. Policy PP13 identifies the criteria that should be satisfied for such proposals. There would be a functional connection between the proposed accommodation and the main dwelling, and it would be ancillary. There would be a shared vehicular access with the main dwelling, and adequate parking would remain to the front of the property. The proposal would not create a new planning unit, and there would be no harm to the character and amenity of the main dwelling, neighbouring properties, or surrounding area. The proposal would, therefore, comply with all of the criteria in Policy PP13.
8. It is contended that the proposed use of the accommodation by visitors would take it outside the scope of Policy PP13, which relates to housing for multi-generational and extended families. However, the longer-term proposal to accommodate an adopted teenager would fit comfortably into the description of the policy, so would be supported by it. My attention has not been drawn to any other Policies indicating that the use of an outbuilding within a residential curtilage for additional

domestic accommodation in connection with the main dwelling should be resisted. Consequently, whilst the short-term use as overflow accommodation for visiting family and friends would not be specifically supported by Policy PP13, there is no evidence that such a use would conflict with the development plan in principle.

9. Policy PP27 of the Local Plan requires a good standard of design in all new developments, including external alterations to existing buildings. Development will be permitted provided that, where relevant, a number of criteria are satisfied. It is contended that the proposal would conflict with criteria (1) (a)(i), (d) and (e). Criterion (1) (a)(i) relates to layout and siting, including building line and built site coverage. In this case, the building already exists, and would not be enlarged. Consequently, apart from some minor elevational changes, the proposal would not alter its relationship with local patterns of development or neighbouring buildings, so there would be no conflict with this part of the Policy.
10. Criterion (1) (d) requires that, where relevant, development provides satisfactory external and internal amenity space for both new and any existing occupiers. In this case, the proposal would not create a new planning unit, it would simply alter the nature of the accommodation within the building, allowing additional living accommodation for the existing occupants. The provision of one additional bedroom would not significantly alter the demand for external space, and the proposal would not alter the amount that would be available. Consequently, while I note that the existing dwelling has limited external amenity space, the proposal would not result in any notable change to the residential amenity of existing occupants in this regard.
11. The office space would have limited headroom, but this would not be any different to the existing position. I am mindful that the Council disputes the lawfulness of the existing office use, and it is not part of my remit to determine that issue as part of this appeal. However, the evidence indicates that the accommodation has been provided without any external alteration to the building, and that its use is incidental to the residential use of the main dwelling. I am not therefore persuaded, on the evidence before me, that planning permission would have been necessary. In any event, the accommodation would be additional to the existing dwelling, so, notwithstanding its limited headroom, it would still increase the amount of internal space available within the overall planning unit for the existing occupants. Furthermore, the provision of rooflights would improve living conditions for occupants of the office. The proposal would not, therefore, result in unsatisfactory internal space for occupants of the dwelling as a whole.
12. Criterion (1) (e) requires that proposals create an accessible, safe environment that minimises crime through the layout of the site and the positioning of doors and windows on elevations that face onto public or shared areas. The glazed door in the front elevation would face onto the shared accessway to the garden of No 45A. However, there would be no view into the living accommodation, as this door would only serve the stairway access to the office. The entrance door to the bedroom would be set well back on the building, away from the accessway, so would not be readily visible. In any event, casual visitors would not pass through this space, as the door to the flat is at the front of the building. Therefore, the shared area is only used by the occupants of No 45A to access their rear garden, which would not present a significant security risk.

13. It is suggested that the owners may feel it necessary to erect a dividing fence to improve the security of the building, thus increasing the perception that a new planning unit was being created. However, this is not a part of the proposal, and neighbours accessing the garden could be discouraged from passing too close to the building by less formal means, such as raised planters, if this proved necessary.
14. Overall, therefore, the building could be satisfactorily occupied, in the manner proposed, as ancillary accommodation associated with the residential use of the main dwelling. The proposal would not harm the living conditions of existing or future occupants of the dwelling as a whole. Furthermore, the proposal would comply with all the relevant criteria of Policies PP13 and PP27 of the Local Plan, which seek to support proposals for the expansion of a dwelling to provide a degree of independent living, and to ensure a good standard of design in all new developments.

Conditions

15. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The Council has suggested three further conditions to cover other matters. I have considered them against the advice in the Planning Practice Guidance.
16. The proposed external materials are detailed on the planning application form and drawings, and I have imposed a condition requiring development to be carried out in accordance with the approved plans. Consequently, a separate condition requiring the use of the specified materials is unnecessary.
17. The proposal does not entail the creation of a new dwelling or a separate planning unit. Indeed, the accommodation provided would lack the necessary facilities to make it capable of use as a separate dwelling. The proposed description specifies that the use would be ancillary to the existing dwelling. In these circumstances, a condition restricting the use is unnecessary. If the building is not used as proposed, or if there is a future material change of use to create a separate dwelling or an independent office, then another grant of permission would be required, and the building or use would be at risk of enforcement action if such permission is not granted.
18. The proposal involves the conversion of a domestic garage that may have been used for storage of vehicles, and where leaks of fuels, oils or chemicals may have occurred, thus creating the potential for contamination to be present, which could affect future users of the site. A condition requiring the reporting and remediation of any contamination that is found to be present is, therefore, reasonable and necessary.

Conclusion

19. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR