



Appeal Decision

Site visit made on 29 May 2025

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 June 2025

Appeal Ref: APP/P0119/D/25/3364055

Bix House, Wood Lane, Horton, South Gloucestershire, BS37 6PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs M Maguire against the decision of South Gloucestershire Council.
 - The application reference is P25/00182/HH.
 - The development proposed is to build up walls and roof of the annexe to match the main house.
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Decision

1. The appeal is allowed, and planning permission is granted to build up walls and roof of the annexe to match the main house at Bix House, Wood Lane, Horton, South Gloucestershire, BS37 6PG in accordance with application ref: P25/00182/HH and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: location plan (planning portal reference PP-13719685v1 (date produced 24-Jan-2025)), proposed floor plans and elevations (4413/P2), proposed site block plan (4413/P3) and design statement.
 - 3) The external materials used within the development hereby permitted shall match those of the existing building. The materials will be maintained for the lifetime of the development and any changes shall be submitted to, and approved in writing by, the Local Planning Authority;
 - 4) The extended annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to, and in connection with, the residential use of the host dwelling. The annexe shall not at any point be utilised, or occupied, as a separate residential dwelling.

Procedural Matters

2. The Council's questionnaire states within the suggested conditions that the dwelling is known as Bix Manor, however, the address before me within the application form refers to Bix House and the appellant has, for consistency, continued to refer to the appeal site as Bix House albeit they note the name change within the introduction to their statement of case.
3. I have, on the basis of the original application form, continued to refer to the site as Bix House on this basis and, in relation to condition 4, I find that the site is still identifiable and clearly defined/controlled regardless of property name as a result of the submitted and subsequently conditioned plans as part of this appeal.

Main Issues

4. The main issues are i) whether the proposal would demonstrate an ancillary use to the host dwelling with regard to design and reliance on the host dwelling and ii) the impact of the proposal upon the host dwelling with regard to scale and height.

Reasons

Ancillary use

5. The appeal site is a large detached residential dwelling located within the open countryside and in a large plot. The proposal is seeking permission to raise the roof line of an existing annexe to match the main house. From the evidence before me within both the planning history, Council's delegated report and third-party comments it is well evidenced that the host dwelling has been extensively extended and, at the time of my site visit, further works were being undertaken to the main house itself. The Council's delegated report confirms that the existing garage building has been in an established annexe use (as approved by PK06/0972/F).
6. I note, from third party comments received during the application period, that comment is made with regard to the design statement incorrectly referencing planning application PK05/0327/F. The Council's report confirms that this application was refused but I can see that the application referred to by the Council, in the context of the annexe test, is stated to have been approved for the partial conversion of the existing double garage (PK06/0972/F - June 2006). Based upon the evidence before me I have no reason to conclude differently that the starting point for the building in question within this appeal is as an established annexe use as set out and acknowledged by the Council within their assessment.
7. The existing garage/annexe, noted on the existing plans as being converted in 2006 (which would be consistent with the above application timings), shows kitchen facilities, a shower room, living room and bedroom next to/over a double garage. In terms of existing facilities, I find that the existing annexe could already be arguably utilised independently of the main dwelling house on the same basis as the Council are stating as the first refusal reason. The proposed alterations would retain the footprint of the building however; they would increase the roof height and result in the building being a two-storey building compared to the existing position of a single storey building with accommodation in the roof space.
8. I do not find that a change in height to create more functional, or accessible, accommodation at first floor level on a comparable basis (aside from height) to that which already exists would realistically alter the ability or basis of occupation of the building in question. Proposals should be considered and determined on the basis upon which they are submitted. In this case, given the existing annexe use and comparable consistency in overall annexe accommodation provided I find that the proposal could be appropriately controlled by condition in terms of occupation to remain as an annexe to prevent separate occupation or letting as is a concern from third party comments and the Council.
9. Based upon the evidence before me, and with the use of conditions, I do not find that the first refusal reason can be reasonably upheld. Whilst I acknowledge that the proposed scale and design of the building would be not insignificant, due to increased height, the proposal to raise the roofline of the existing annexe would still broadly result in the same level of accommodation as is already present within the

accepted/existing annexe use but with improved head height/usability as a result of a second storey. I find that there is already the provision of amenities within the annexe which means it could be occupied independently to the main dwelling house and that this is not altered as a result of the proposal that is before me.

10. The first refusal reason states that occupants of the development would not be reliant on the host to either park or gain access to the building, however, in a similar manner to the level of accommodation between the existing and proposed schemes, both versions of the annexe do, and would, benefit from a double garage space within the same building. In that regard I find that the annexe, as existing, would be in exactly the same position as the proposal that is before me in terms of parking and gaining access to the building and do not find that the proposal to raise the roof would then result in the accommodation failing to demonstrate an ancillary use as a result of a lack of reliance stated due to the proposals. I do not find that the proposal would reduce reliance on the main dwelling house compared to the existing, acknowledged, annexe accommodation as set out.
11. The South Gloucestershire Council Annexes and Residential Outbuildings: Guidance for New Development Supplementary Planning Document 2021 (SPD) confirms that ancillary means that the building is subordinate to the main house as well as listing characteristics that proposals should generally embody to be considered ancillary and not a separate planning unit. Whilst the proposal may not be consistent with one of these elements (having an element of functional connection to the main building, such as shared bathroom, kitchen or living room) I find that overall, the proposal would be consistent with the overarching objectives of the characteristics listed within Section 3 of the SPD. The proposal would share vehicular access and parking facilities, a garden and can be secured by planning condition to be for use as ancillary and in connection with the host dwelling, Bix House. Taking into account the existing, established, use of the building as an annexe as acknowledged by the Council I am satisfied that the proposal is consistent with the overarching objectives of the guidance set out within the SPD.
12. I find that the resultant accommodation demonstrates an ancillary use to the host dwelling and is consistent with South Gloucestershire Local Plan Policies, Sites and Places Plan 2017 (LP) Policy PSP38 which seeks to appropriately control development within existing residential curtilages including extensions and new dwellings as well as being consistent, for the reasons as outlined above, with the guidance set out within the SPD in relation to annexe accommodation.

Impact of the proposal upon the host dwelling

13. The proposal would result in the existing building eave height being increased by in the region of 2.1 metres (to in the region of 4.9 metres) with a ridge height increase of in the region of 1.4 metres compared to the existing building with the proposals seeking to utilise matching materials. As previously outlined the main house to which the proposal would be (is) ancillary/annexe accommodation has undergone numerous extensions and is itself of substantial size, with works ongoing, from what I observed at the time of my site visit. This is also evident from the approved plans for planning permission reference P24/00513/HH which have been provided as an appendix to the appellant's statement of case.
14. Whilst the proposal would result in an eave height which would be comparable the ridge height would be below that of the main dwelling house combined with a much

smaller footprint. Whilst I acknowledge that the proposal would not be insubstantial in size, I do not find that the proposed increase would result in creation of what would be perceived to be a wholly new independent dwelling within the curtilage of the existing dwelling. I find this due to both the close proximity of the building in question, to the host dwelling itself, but also the overall scale and footprint of the dwelling (which I find to be notably larger than the annex accommodation proposed) as well as shared site access and general setting. I find that the two are clearly connected and separate occupation would be undesirable for the host dwelling itself in terms of day-to-day activity due to its close association and setting.

15. On this basis I find that the proposal would be seen to remain subservient to the extensive main dwelling house. I find that the proposal would respect the scale and height of the substantial main/host building, due to being lower than the host dwelling ridge, which, combined with the notably overall smaller footprint, would result in the proposal being appropriate in the context of the main dwelling. The proposal would sufficiently present as an annexe even if extended compared to, and taking into account, its existing established use as such.
16. The proposal would be consistent with South Gloucestershire Local Plan Core Strategy 2006 – 2027, 2013 (CS) Policy CS1 which requires siting, form, scale, height, massing, detailing, colour and materials to be informed by and respect and enhance the character, distinctiveness and amenity of the site and its context. The proposal would also be consistent with the objectives of the guidance set out in the Householder Design Guide Supplementary Planning Document 2021 which seeks to ensure that all alterations and extensions should be of an overall high-quality design and be subservient in scale and character to ensure the prominence of the existing building is preserved.
17. The proposal would also be consistent with paragraph 135 of the National Planning Policy Framework 2024 which seeks to ensure that developments will function well and add to the overall quality of the area as well as being sympathetic to local character including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Other Matters

18. I note objections which have been submitted during the course of the application period. I note comment has been made as to publication/advertisement of the application; however, I have no evidence to suggest that the application has not been appropriately advertised, and this is outside the scope of this appeal. I note comment has been made as to the removal of shrubs and greenery along the boundary as well as burning materials on site, however, such actions are outside the scope of the proposal that is before me (and do not require planning permission as confirmed by the Council) and in that regard this appeal is limited to a decision based upon the proposal as per application reference P25/00182/HH.
19. I have dealt with matters as to the existing use of the building, as an annexe, within the context of the main issues outlined above and as set out, I have not found that the proposal is tantamount to the creation of a new dwelling for the reasons set out above in the context of the main issues. I note that the building which is the subject of this appeal is located in close proximity to a neighbouring boundary, however, the building is located adjacent to an access route and is not, for example, located adjacent to amenity space where there could be said to be overbearing impact and

whilst the proposal will be visible from the road I do not find, for the reasons set out above, that its visibility would be inappropriate for the character of the area in the context of the host dwelling.

20. The outbuilding in question is already formalised as a self-contained annexe as acknowledged by the Council. The ability to let out the annexe, to unconnected parties, can be controlled by condition attached to any planning permission granted. Annexes generally rely on existing waste collection, as part of their occupation in conjunction with the host dwelling. I do not find that there would be a level of increased waste generation as a result of the proposals which would give rise or support a refusal reason in this case.
21. The proposal is noted to propose two narrow windows within the rear elevation, akin tradition openings found with barns, which would serve a landing area. The existing single storey structure is noted to not include windows within the rear elevation so the proposal would introduce views across an area of amenity of the adjacent property which does not currently exist. The size of the proposed windows combined with their servicing of circulation space (not a primary habitable room) mean that I find that the proposal would not give rise to an unacceptable level of overlooking. The proposed side elevation windows would serve bathroom and landing areas and, given the orientation of the windows and their relationship to neighbouring properties again I do not find that these windows would unacceptably impact upon neighbouring residential amenity. I find no reason to conclude differently to the Council in relation to privacy or overlooking in the context of neighbouring residential amenity.
22. The appeal site is not located within the Cotswold National Landscape (previously known as an Area of Outstanding Natural Beauty (AONB)). As the site is not located within the National Landscape limited weight can be given to this designation, but it is acknowledged that the location is along the border where there is proposal to impact upon the setting of the National Landscape. Given that the proposal is situated within the residential curtilage of a large existing dwelling which has been notably extended, and seeks to raise the roof of an existing building, despite the scale I do not find that the proposal would have an adverse impact upon the natural beauty or historic character of the National Landscape and find that the proposal would not detract from the appearance of the building itself or negatively impact the visual amenity of the street scene, character of the area or neighbouring residential properties.

Conditions

23. The Council has suggested four conditions in the event this appeal is allowed which I have considered and applied as appropriate. A time condition is attached to comply with Section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plan is required to control and define the development which is granted consent, and a materials condition is required to ensure an appropriate finish in accordance with the details submitted and in order to match those used in the existing building.
24. Finally, a condition is required to control use of the building to that of an annexe solely in conjunction with the residential use of the dwelling to prevent the creation of a separate residential dwelling without further, and appropriate, consideration of relevant matters given that the appeal has been assessed, and allowed, on the

basis of annexe accommodation being ancillary to occupation of the host dwelling itself. Any alternative occupation or use of the building should be the subject of a further application to be considered on its own merits at that point.

Conclusion

25. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Marshall

INSPECTOR