



Appeal Decision

Site visit made on 2 April 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2019

Appeal Ref: APP/Z2505/D/18/3216631

Bramley House, Wainfleet Road, Boston PE21 9RW

- 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 Jonathan Padley against the decision of Boston Borough Council.
 - The application Ref B/18/0291, dated 11 August 2018, was refused by notice dated 28 September 2018.
 - The development proposed is demolition of existing single storey garage/outbuilding and construction of 1 1/2 storey domestic garage/annexe.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Jonathan Padley against Boston Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council's decision notice included an amended description of the proposal. However, I have considered the appeal on the basis of the description on the planning application form which provides sufficient clarity.
4. The evidence before me indicates the clear intention to erect the proposed building in the same position as the existing outbuilding. Whilst the site plan provided states the existing outbuilding is to be demolished and replaced, a proposed block plan has not been provided. This would assist in confirming that the proposed building sits within the parameters of the appeal site including additions beyond the existing footprint such as the proposed balcony. However, as I am dismissing the appeal on the substantive grounds indicated by the Council, I do not consider that this omission requires rectifying at this late stage.
5. The Council's decision notice referred to Saved Policy G1 of the Boston Borough Local Plan LP (1999) and Policy 2 of the emerging South East Lincolnshire Local Plan 2011 – 2036. During consideration of this appeal the Council has provided an update to the appellant and I to confirm that Boston Borough Council and South Holland District Council adopted the South East Lincolnshire Local Plan 2011-2036 (SELLP) (8 March 2019) and that consequently the saved Policies of the LP (1999) have been deleted. The Council has confirmed that the relevant policy of the SELLP remains as Policy 2 as previously referred to in their

decision notice and I note there has been no change to the text of this particular policy since the Council's decision. I therefore consider that no party has been prejudiced and my assessment is therefore based on the updated position in terms of the development plan for the area. The now deleted Policy G1 has therefore not been material in my considerations.

6. The appellant has drawn my attention to an outline consent on adjoining land immediately to the east of the appeal site. The Council has, in turn provided me with an indicative layout that accompanied the planning permission for that site. In noting that the access to that development was fixed by the outline permission, there is a strong possibility that the development would comprise dwellings in relatively close proximity to the annexe.

Main Issues

7. The main issue in this appeal is, having regard to the size, siting and design of the development proposed, the effects on the living conditions of existing and future occupiers.

Reasons

8. The part of Wainfleet Road where the site is located is characterised by ribbon development comprising mainly detached dwellings of varying design. The proposal would replace the existing single storey outbuilding with a 1.5 storey building. The building would incorporate replacement garaging and storage at ground floor and would provide new living accommodation in the roofspace.
9. As a detached building positioned at the far end of the garden, there would be no physical link to the host dwelling. The level of accommodation proposed would contain all the facilities required to facilitate independent living with two bedrooms, an en-suite serving one of the bedrooms, a bathroom and open plan kitchen, lounge and dining space. The design of the proposal with first floor accommodation and the incorporation of features including a first-floor balcony area and chimney would give the proposal the appearance of an independent unit. There is an existing second point of access to the site from Wainfleet Road between Jura and Romney. This could facilitate independent access which would give an even greater degree of separation from the host dwelling.
10. Consequently, the facilities would go beyond what could be considered as basic ancillary accommodation and there would also be no obvious reliance on the main dwellinghouse. Despite the appellant's contention that the proposal is not for an independent unit, given the lack of physical link to the main dwelling, in my judgement the proposal would not appear subordinate nor has it been designed to function in an ancillary manner to the main dwelling. Most commonly, an annexe would be in the form of an extension to an existing dwelling with limited facilities and a physical connection between the two elements. When an annexe was no longer required, the accommodation would be incorporated within the main dwelling and the whole would be used as a single dwelling. I therefore find that the Council's concern that the proposal would be tantamount to an independent dwelling is not unfounded.
11. The imposition of a condition to limit the use of the annex to purposes ancillary to the occupation of the main dwelling would not control the ownership or the sharing of services. It would be difficult to monitor or enforce in the long term

and would not be appropriate in this instance having regard to the level of accommodation proposed and the juxtaposition of the two elements.

12. The proposal includes bedroom windows at first floor level and these would have a particularly close relationship with the host dwelling and its associated garden. Being mindful of the likely difficulties that might present themselves in the longer term should the proposed annex be no longer required in connection with the host dwelling, it is likely that privacy between the two would be significantly compromised if the proposal were to be occupied by unrelated persons.
13. Moreover, as set out in my preliminary paragraph above, the balcony at first floor of the annexe together with other first floor windows would sit close to the future development site immediately to the east. This would be likely to have an unacceptable effect on future occupiers in terms of overlooking of rear gardens and windows in the rear elevations of the nearest dwellings.
14. The continued use of the second point of access off Wainfleet Road to access the proposed garden store would be infrequent and no different to the existing situation. However, having recognised that it would be difficult to control independent use of the building, there may be a desire for occupants to use the unmade track for independent access. Any intensification of use of this track could give rise to noise and disturbance beyond the established situation and the unmade nature of the track would be likely to increase such impacts. Such an increase in activity would be appreciable particularly from the rear gardens serving Jura and Romney which border this access. Whilst I acknowledge any increase in activity would be limited, this would only compound the undesirable relationship between the proposal and existing occupiers.
15. Taking account of the considerations above regarding the physical detachment, size and free-standing, self-contained nature of the development, the proposal would be likely to give rise to a harmful effect on the living conditions for existing and future occupiers with particular regard to privacy for occupiers of the host dwelling and those residing in the proposed building, particularly given my concerns as to the potential long term implications as described above. In addition, the proposal would give rise to unacceptable effects on the living conditions of the existing occupiers of Jura and Romney in terms of noise and disturbance. Furthermore, there would be unacceptable impacts arising on the future occupiers of the adjoining new development to the east in terms of loss of privacy. The proposal would therefore be contrary to Policy 2 of the SELLP (2019) which includes amongst other things that developments meet the principles of sustainable development in terms of size, scale and layout and impact on amenity as well as potential impacts on neighbouring land uses. The proposal also conflicts with Paragraph 127 of the National Planning Policy Framework which includes that decisions should ensure a high standard of amenity for existing and future users.

Other Matters

16. The appeal submissions draw attention to several appeals allowing proposals for annexes elsewhere and a previous decision by the Council granting planning permission for an annexe on a different site. From the information provided, none appear to reflect the particular circumstances of this case. I have not therefore attached significant weight to these decisions either for or against the appeal scheme and I have considered the appeal proposal on its own merits.

17. The evidence indicates that the proposed annex would initially be for the appellant's visiting children and in the next few years would provide accommodation to support an elderly relative. Dismissing the appeal would mean that the appellant would be likely to have to consider other options for meeting their accommodation needs. There is no evidence before me to demonstrate that the appeal proposal would be the only means by which such needs may be reasonably met. Accordingly, dismissing the appeal would be a proportionate response given the identified harm.
18. The appellant's preference is to retain existing garage and storage facilities at ground level and I am advised this has influenced the design with upper floor accommodation. However, I do not consider this as being sufficient justification for the design of the proposal, its lack of reliance on the host dwelling or the effects on living conditions identified above.
19. The appellant refers to Policies 1 and 3 of the SELLP in their submission although I have not been provided with a copy of these policies nor has my attention been drawn to any specific elements within these policies which would justify the harm identified.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

Martin Russell

INSPECTOR