



Appeal Decision

Site visit made on 31 July 2020

by **S Harley BSc(Hons) MPhil MRTPI ARICS**

an Inspector appointed by the Secretary of State

Decision date: 10th August 2020

Appeal Ref: APP/L3245/W/20/3248282

Lingholm, Woodhall Drive, Hanwood, Shrewsbury SY5 8JU

- 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 M Fenton against the decision of Shropshire Council.
 - The application Ref 19/05264/FUL, dated 28 November 2019, was refused by notice dated 24 February 2020.
 - The development proposed is erection of a detached annex.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached annex at Lingholm, Woodhall Drive, Hanwood, Shrewsbury SY5 8JU in accordance with the terms of the application, Ref 19/05264/FUL, dated 28 November 2019 and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters and Main Issues

2. It is clear from the application form and the evidence that the appellant is not applying for a separate dwelling but for an annex to provide ancillary accommodation for family members.
3. The main issue is whether the proposed accommodation would be an annex or an independent dwelling, and if the latter, whether a new dwelling would be appropriate.

Reasons

4. Lingholm is a detached single storey dwelling set in an extensive curtilage. It is accessed from Woodhall Drive which serves a number of residential properties before continuing to Wood Hall Farm. To the south of Lingholm there is an area of woodland protected by an area Tree Preservation Order and there are a number of other small trees and shrubs in the garden. These would be unaffected.
5. The proposed building would be behind the site of a proposed garage, planning permission Ref 19/05263/FUL, which is behind an existing outbuilding. Enlarging or altering an existing dwelling would be acceptable in principle under the Type and Affordability of Housing Supplementary Planning Document (the SPD) which supports Policy CS11 of the Shropshire Local Development Framework Adopted Core Strategy 2011 (the CS) in seeking to meet diverse housing needs.

6. The proposed building would be single storey with a relatively low ridge line and a much smaller footprint than the main dwelling. It would be some distance beyond the main dwelling (estimated by the Council as some 54m or 58m). I conclude that the annex would be subordinate to the main dwelling in terms of siting and scale. Moreover, it would be well set back from Woodhall Drive and not unduly prominent given the extensive curtilage and the existing vegetation including the tall hedges on the boundaries shared with neighbouring dwellings. It is not uncommon to find outbuildings some distance from the main dwelling and, despite its domestic appearance, I conclude that the proposed building, even taken together with the permitted garage, would not appear as a discordant building or detract from the visual amenity of the area or the character or appearance of the original dwelling.
7. It is a matter of fact and degree as to whether or not the proposed development would be an annex or an independent dwelling. I see no reason in principle why an annex could not be some distance from the main dwelling, although I acknowledge that sharing day to day living arrangements would be somewhat less convenient than if the two buildings were closer together. The proposed building, as shown on the amended plan, would include two small double bedrooms, a kitchen/diner, living room, bathroom and utility, making it capable of independent occupation.
8. It does not necessarily follow that, because the proposed building is capable of being independently occupied, it would not, or could not, be occupied for purposes ancillary to Lingholm, or that it would become a separate planning unit. As a consequence, it is unnecessary for the annex to be in the form of an extension or to be within any particular distance for the additional living accommodation to be ancillary to the main residence.
9. The annex would be within the same curtilage as the main dwelling. The plan indicates that access would be via the existing entrance from Woodhall Drive, which would be shared with the main dwelling, and thence along the existing track which would also serve the permitted garage. The annex is intended for occupation by the appellant and his family during renovations of Lingholm and then by elderly parents and other family members who would share the garden. The evidence indicates there is no intention of sub-dividing the site and that there would be no significant separation in terms of services, utilities, external landscaping, postal address or physical boundaries such as fences or walls. Such subdivision would erode the functional linkage between the use of the annex and the main dwelling.
10. The necessary subdivision of the site to create two separate dwellings and associated curtilages, including a private garden, parking area and access for the occupants of the annex, could result in a contrived layout and appearance. It could also result in awkward living conditions for the occupants of both buildings through noise, disturbance and a lack of privacy. Thus, occupation of the proposed annex by anyone other than a relative or guest of the occupants of the main house would be undesirable. In my view, it could harm the character and appearance of the area and the living conditions of residents. However, a planning condition could be imposed to ensure the annex is only occupied for purposes ancillary to the occupation of the main residence.
11. I acknowledge that the Council considers that such a planning condition could be sufficient to prevent the annex being let or sold separately but considers

there would be a substantial risk of a compliance issue, even if used by family members. However, it is not clear what harm the Council considers would arise from family members using the proposed annex, or why it should be assumed compliance would not occur.

12. In conclusion the annex could be occupied either ancillary to the main house or independent of it. The latter could be harmful for the reason I have given but this could be prevented by way of a planning condition. With such a condition, independent occupation could not lawfully occur and no separate dwelling/planning unit should materialise, thereby retaining the proposed annex as a domestic outbuilding within the curtilage of Lingholm. I therefore find no conflict with Policies CS6 and CS11 of the CS; Policy MD2 of the Shropshire Council Site Allocations and Management of Development (SAMDev) Plan 2015; the SPD; or the National Planning Policy Framework in terms of meeting diverse housing needs or the effect on the character or appearance of the area.

Other Matters and Conditions

13. As well as the standard condition specifying the time limits for the commencement of development, compliance with the approved plans is necessary to provide certainty. To protect the character and appearance of the area and the living conditions of residents, it is necessary to ensure the occupation of the annex is only for purposes ancillary to the main dwelling and that materials for external surfaces should match those of the existing dwelling. A planning condition requiring approval of surface water drainage details is necessary to minimise the risk of flooding in the area.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

S Harley

INSPECTOR

Schedule of 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: GH-19-024 A.01 Rev 02; GH-19-024 A.03 Rev 02; and GH-19-024 A.04 Rev 02.
- 3) Prior to any above ground works commencing, a specification and colour scheme shall be submitted to and approved in writing by the local planning authority in respect of wall finish and roof materials. The scheme shall be implemented and maintained as approved.
- 4) The annex hereby permitted shall not be used for purposes other than those ancillary to the domestic use of the main dwelling Lingholm. The annex shall not be let, or used for business purposes, or separated as an independent residential unit.
- 5) No development shall take place until a scheme for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use whichever is the sooner.

End of Schedule