



## Appeal Decision

Site visit made on 10 October 2023

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 October 2023

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### Appeal Ref. APP/L3245/D/23/3327008

### West Lodge, Adcote, Little Ness, Shrewsbury SY4 2JU

- 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 Warner against the decision of Shropshire Council.
  - The application ref. 23/01843/FUL, dated 27 April 2023, was refused by notice dated 29 June 2023.
  - The development proposed is "*Extension and Conversion of existing double garage to form live-in carer's accommodation including associated hard paving*".
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### Decision

1. The appeal is allowed and planning permission is granted for *Extension and Conversion of existing double garage to form live-in carer's accommodation including associated hard paving* at West Lodge, Adcote, Little Ness, Shrewsbury SY4 2JX in accordance with the terms of the application ref. 23/01843/FUL, dated 27 April 2023, subject to the conditions contained in the Schedule at the end of this Appeal Decision.

### Preliminary matters

2. In the heading and decision above, I have taken the postcode for the site from the planning appeal statement submitted on behalf of the appellants. I believe this to be the correct postcode.
3. An application for a full award of costs has been made by Mr & Mrs M Warner against Shropshire Council. This application will be the subject of a separate decision.

### Main issue

4. The main issue is whether the proposed accommodation may be considered as a residential annexe ancillary to the use of the host dwelling, or whether a separate dwelling would be created and allied to that matter, whether there would be overdevelopment affecting the character and appearance of the original dwelling, the site and the surroundings.

### Reasons

5. West Lodge is a distinguished stone-fronted 2-storey house which has been extended since its original construction. It stands near the centre of a large plot at the junction of the classified road with a minor lane. There is only sporadic
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development in the near vicinity. The surroundings and setting of the site are resolutely rural in character. The proposal concerns a characterful detached single-storey building in the garden between the house and the classified road. It contains a double garage set an angle and a washing/utility room at the rear.

6. The appellants wish to extend and convert that detached building to provide a 2-bedroom residential unit with their future care and living arrangements very much uppermost in their minds. I have read the letter from Mr Warner's doctor which lists his medical conditions and age. Having regard to this information, it seems reasonable that the appellants should plan for and anticipate their future health needs. They are clearly in the best position to do so, including the timing and nature of any care options. The occupiers of the unit would be a live-in carer (and any dependants) or the appellants themselves, if ground floor accommodation becomes a pressing requirement. The intended occupation of the extended building is therefore as a residential annexe.
7. I have not been made aware of any development plan policies which specifically cover the creation of residential annexes whether that be through extensions to existing dwellings, the erection of new detached buildings or the extension and conversion of existing buildings in a domestic garden as proposed here. The Council said that in general annexe accommodation could be supported in principle at the site but came to the view that the proposal would effectively amount to an open market dwelling, separate from the main house, in the open countryside. It is important that I consider the proposal as applied for in the first instance. There is no separate dwelling before me. The application was registered, validated and advertised as a proposal to form live-in carer's accommodation in accordance with the description of the proposal on the application form. The red edge of the application site surrounds the whole residential curtilage of West Lodge.
8. Even though the outbuilding as extended, looked at in isolation, would be a substantial structure in its own right, being akin to a bungalow in terms of the internal floor area, it would not physically challenge the dominance of the main 2-storey dwelling in terms of its overall size, scale, bulk, height and massing and would not appear to overdevelop the site when taking in the generous proportions of the garden areas that would remain on all sides of the main dwelling. The detailed design has been carefully thought through to reflect the high-quality features and materials of the existing building including the use of matching timber cladding and steeply hipped roofs of matching clay tiles.
9. The extension's roof would be marginally lower than the existing garage roof. The Council's reference to a ridge height "*of approximately 8m*" was incorrect but I doubt if this was ever carried into the assessment of visual impact (6.3.1 of the officer's report) because reference is only made there to the development resulting in "*some visual impact*". A height of 8 m equates to the height of a tall 2-storey house so a building that high would have had a notable and damaging visual impact on the area's rural character and appearance. Such an objection would likely to have been front and centre of the Council's decision notice but the matter of height is not directly referred to therein.
10. As it is, I consider that reasonable observers are likely to associate the resulting structure with a well-designed ancillary outbuilding. With the substantial boundary hedges (mainly of holly) retained, the single-storey

development would have only a limited visual impact on the 2 local rural street scenes. I consider that the development would be designed in a manner that would reinforce local distinctiveness. On balance, I am satisfied that overdevelopment adversely affecting the character and appearance of the original dwelling, the site and the surroundings would not arise.

11. Whilst the annexe would offer the facilities required for independent day-to-day living and would not require access through West Lodge itself, it would not necessarily become a separate planning unit from the main dwelling. That any occupiers would experience a degree of independence is not untypical of annexes. This and the building's internal floor area would not in themselves undermine its ancillary purpose.
12. As a matter of fact and degree, the accommodation would plainly be capable of being occupied as an annexe, taking into account the following: the intended occupiers would be a live-in carer (and any dependants) employed by the family, who are likely to share various living activities with the family in the main dwelling, or the appellants themselves, if ground floor accommodation becomes a pressing requirement, whilst close family members move into the main dwelling; the internal floor space provided would not obviously exceed those stated needs and would be smaller than the floor space of the main dwelling; no subdivision of the plot is proposed; the whole site of West Lodge would remain owned by the appellants with no suggestion of there being separate titles, bills or postal addresses or any letting to tenants; the annexe would be closely related to the main house and a reasonable proportion of the windows to habitable rooms would be found in its south-east elevation looking directly towards the main dwelling and its parking and garden areas; the access, parking and garden areas would be and are clearly capable of being shared; and an existing utility/washing room would remain in the outbuilding and be available for the occupiers of the annexe and the main house.
13. Whilst there are some inevitable similarities with the Council's decisions and the appeal decisions presented with the appellants' planning appeal statement in terms of the intended occupation as an annexe, those decisions were not dealing with identical proposals, plans, sites or contexts. I have sought to assess the appeal before me on its own merits.
14. I am aware that the development is likely to remain in place long after the need which gave rise to the application has gone. I have noted the wording in the draft Unilateral Undertaking (dUU) which seeks to address the future occupancy and potential disposal of the annexe outbuilding. However, it would be possible through the imposition of a planning condition to ensure the outbuilding is not occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known West Lodge or sold separately from the remainder of the application site. This will reflect the purposes stated by the appellants and the wording in the dUU, whilst the outbuilding's use for other purposes might well raise wholly different considerations which could well be unacceptable in planning terms in this countryside location.
15. With such a condition imposed, I find on the main issue that the proposed accommodation may be considered as a residential annexe ancillary to the use of the host dwelling and would not amount to overdevelopment adversely

affecting the character and appearance of the original dwelling, the site and the surroundings. The scheme would not give rise to any material harm. It would accord with Policies CS5, CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy and Policies MD2 and MD7a of the Site Allocations and Management of Development Plan which, when read together, seek to restrict new dwellings in the countryside and ensure development is designed to a high quality and contributes to and respects locally distinctive or valued character and existing amenity value. I also find no conflict with the Type and Affordability of Housing Supplementary Planning Document or the National Planning Policy Framework.

### **Conditions**

16. In addition to a condition setting a time limit for the commencement of development, a condition requiring that the development is carried out in accordance with the relevant approved drawings is necessary as this provides certainty. I have also imposed a condition regarding the use of the building for the reasons I gave in paragraph 14 above.
17. I have imposed a condition relating to external materials to safeguard the character and appearance of the building and the locality. The Council gave 2 options on this matter. In the Questionnaire the use of matching materials was recommended, whilst in the separate list of conditions provided there was a preference for samples or details of the materials to be submitted for approval. It is quite sufficient for the former option to be followed.
18. Having regard to the rural surroundings of the site, the interests of biodiversity and the observations of the Council's Planning Ecologist and the ecological appraisal by Arbor Vitae commissioned by the appellants, I have imposed conditions to ensure the provision of roosting opportunities for bats and nesting opportunities for birds and to control external lighting on the site.

### **Conclusion**

19. My findings on the main issue are decisive to the outcome of this appeal. For the reasons given above and having regard to all other matters raised and the lack of objections from local residents, members and organisations, I have concluded that this appeal should succeed.

*Andrew Dale*

INSPECTOR

### **Schedule of Planning Conditions**

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- 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: Location Plan; Block Site Plan (drawing no. 397/51D); Garage Elevations as Existing (drawing no. 08/35); Annex Floor Plan New Garage Plan (drawing no. 397/52D); Elevations 1 (drawing no. 397/53B); and Elevations 2 (drawing no. 397/54B).
- 3) The self-contained annexe hereby permitted shall not be occupied or used at any time other than for purposes in connection with and ancillary to the enjoyment of the existing single dwelling on the site known as West Lodge and at no time shall it be occupied as a separate dwelling, sold separately from the remainder of the application site, which shall be retained as one whole, or used for commercial or business purposes beyond a level that is incidental to the primary residential use.
- 4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the double garage.
- 5) Prior to first occupation/use of the annexe building hereby permitted, details of the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall provide for the following boxes to be erected on the site and include a timetable for their implementation:
  - a minimum of 1 external woodcrete bat box or integrated bat bricks, suitable for nursery or summer roosting for small crevice-dwelling bat species;
  - a minimum of 1 artificial nest, of either integrated brick design or external box design, suitable for starlings (42 mm hole, starling-specific) or sparrows (32 mm hole, terrace design).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting.

The boxes shall be erected strictly in accordance with the approved details and timetable and shall thereafter be maintained for the lifetime of the development.
- 6) Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes. The submitted scheme shall be designed to take into account the advice on lighting set out in Guidance Note 08/18 *Bats and artificial lighting in the UK* produced by the Bat Conservation Trust and the Institution of Lighting Professionals. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

**End of Schedule**