



# ANCILLARY GRANNY ANNEXE

*Planning, Design and Access Statement*

**1 Orchard Hill  
Windlesham  
Surrey  
GU20 6DB**

Date: January 2024

Document Ref: NAPC/JD/1030/JM



01285 283200 | [www.napc.uk](http://www.napc.uk) | [info@napc.uk](mailto:info@napc.uk)

Registered office: NAPC Limited, Watermoor Point, Watermoor Road, Cirencester, GL7 1LF |

Company number: 12849395 VAT Registration number: GB366872746

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# Introduction

This planning statement has been prepared by NAPC Ltd to support an application for the erection of a single-storey timber prefabricated granny annexe, for ancillary residential use associated with the dwelling *1 Orchard Hill, Windlesham, Surrey, GU20 6DB*.

The purpose of the proposed annexe is to accommodate the applicant's parents. Due to advancing age and declining health, the proposed annexe necessitates the close support and care of their family. The erection of this annexe will allow the applicant's parents to maintain a level of independence while having the necessary care readily available.

In support of the application, a personal statement has been included (Appendix A), offering additional context and background to substantiate the need for the proposed annexe.

Other supporting documents submitted as part of this application will include:

- Location Plan
- Proposed Elevations
- Proposed Floor Plan
- Proposed Block Plan
- Proposed Site Plan
- Existing Site Plan
- Supporting Personal Statement
- Community Infrastructure Levy (CIL) Forms 1, 2 and 8

# Proposal

This application seeks approval for the erection of a single-story timber granny annexe within the curtilage of an established Class C3 dwellinghouse.

The purpose of the annexe is to serve as an ancillary space to the main dwelling, fostering strong functional connections between the two. The occupants will regularly engage in activities within the main dwelling, including preparing and consuming meals, relaxing, socialising with family, and utilising existing household facilities.

It is crucial to highlight that the annexe will **not** have any separate:

- Address
- Post box
- Utility metres
- Services (such as internet, phone line, and television)
- Parking area
- Garden area or curtilage
- Independent access

In summary, this proposal is for an ancillary granny annexe situated within an existing residential curtilage. The functionality of the annexe is heavily reliant on the host dwelling. It is essential to note that this proposal does not constitute a standalone dwelling and it could not operate as such given the site constraints and reliance on the host dwelling.

# Site Context

## Application Site

The application site is situated on the northern side of Orchard Hill, situated in the southern part of Windlesham, Surrey. The dwelling itself is a large, detached two-storey dwelling, featuring a white render façade and grey pitched tiled roof. The property benefits from ample private amenity space to the north and off-road parking to the south of the dwelling.

The plot is bordered by neighbouring gardens to the eastern and western boundaries. The curtilage is clearly defined with domestic fencing and mature vegetation, serving as an effective screen to minimise any potential impact on neighbouring amenity and the street scene.

The surrounding area is primarily residential; it is therefore not out of character to find ancillary buildings in gardens.

## Site Designations

As per the adopted Surrey Heath planning map extract below, the application site does not fall under any specific planning or landscape designations.



The Flood Map from the Environment Agency confirms that the site is categorised within Flood Zone 1, indicating a low risk of flooding.



# Planning Policy

According to Section 38(6) of the Planning and Compulsory Purchase Act 2004, decisions must align with the Local Development Plan, unless material considerations suggest otherwise.

The relevant policies for assessing this proposal are outlined in the adopted Surrey Heath Core Strategy & Development Management Policies (2012), the National Planning Policy Framework (NPPF) (2023), and any relevant Supplementary Planning Documents (SPDs). Compliance with these policies is crucial in the decision-making process, emphasising the importance of adhering to established planning guidelines and frameworks.

## Surrey Heath Core Strategy & Development Management Policies (2012)

- Policy CP2 – Sustainable Development and Design
- Policy DM4 – Replacement, Extension or Alteration of Existing Residential Dwellings in the Countryside beyond the Green Belt
- Policy DM9 – Design Principles

## SPD's

- Residential Design Guide SPD (2017)

## NPPF (2023)

- Paragraph 8 – Achieving sustainable development
- Paragraph 11 – Presumption in favour of sustainable development
- Paragraph 38 – Approaching decision making in a positive and creative way
- Paragraph 63 – Meeting housing needs for older people
- Paragraph 96 – Achieving healthy, inclusive and safe places and beautiful buildings
- Paragraph 97 – Providing the social, recreational and cultural facilities and services the community needs
- Paragraph 123 – Making effective use of land
- Paragraph 131 – Creating high quality, beautiful and sustainable buildings and places

# Policy Analysis

## Principle of Development

### Personal Need

This proposal seeks to erect a granny annexe to serve as ancillary accommodation for the applicant's parents, who, due to advancing age, requires an increasing level of care and support from their family (refer to the attached Personal Statement in Appendix A for details).

The erection of the granny annexe is motivated by the family's desire to have the peace of mind that comes with proximity, enabling them to provide ongoing support now and in the future. The annexe is essential to fulfil the care and support needs of the applicant's parents, and the family is committed to addressing day-to-day requirements such as cooking, socialising, laundry, errands, appointments, and overall support without relying on state care.

This proposal aligns with the current central government stance that promotes and supports multigenerational living. This approach not only alleviates stress on state-funded care but also contributes to sustainable development, a concept endorsed at the local level.

Regarding its relationship with the main dwelling, although the annexe won't be physically attached, it will have a clear dependence on the main dwelling for essential services. The chosen location is considered optimal. The evident functional connections between the main house and the annexe, along with the site layout, clearly indicate that independent use would be challenging and undesirable.

To confirm, there will be **no** distinct or separate:

- Access
- Address
- Utility metres
- Garden
- Curtilage
- Septic tank
- Post box

The points mentioned above carry notable significance considering the *Uttlesford v SoS* (Environment & White) landmark case. In that case, the Inspector acknowledged that the annexe, while equipped with all the facilities for day-to-day domestic life, had the potential to function as a separate dwelling house.

However, the Inspector emphasised that the capability for independent use did not necessarily imply that it had been used as such. Notable factors in this determination included the absence of separate utility meters, a distinct postal address, and a dedicated telephone line. Additionally, the Inspector highlighted the absence of any separate curtilage or distinct access arrangements as relevant considerations in assessing the independent nature of the annexe.

### Future Use

The applicant would be happy to agree to an appropriate condition to restrict the use of the annexe solely for ancillary purposes. Whilst the National Planning Practice Guidance was published on 6 March

2014 and Circular 11/95 was cancelled, Appendix A of the Circular is currently retained. Therefore, such a condition continues to be promoted by the Government.

Quoting the circular, it emphasises that if there are valid planning reasons why the creation of an additional dwelling would be unacceptable, it may be appropriate to impose a planning condition ensuring that the building permitted is used solely as accommodation ancillary to the main dwelling house.

The applicant is willing to accept the following condition, derived from model condition 47 from Circular 11/95:

"The proposed building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling."

If the Local Planning Authority (LPA) deems a condition insufficient to control use, the applicant is also amenable to agreeing to a Section 106, ensuring that the annexe is never separated from the main dwelling.

Considering the above, we believe that the principle of having an ancillary annexe, with further assessment on amenity, design, and visual impact, should be deemed acceptable.

### **Layout and Siting**

Local planning policy emphasises the importance of new developments being satisfactorily located and providing a high standard of design that aligns with the character of the nearby area. In adherence to these principles, the proposed annexe is planned to be in the northern part of the garden. Careful consideration has been given to its placement, ensuring that the development does not adversely affect neighbouring land uses while preserving its ancillary connection with the main dwelling.

The proposed annexe would have no greater impact on the surrounding area than any permitted residential paraphernalia. In essence, the annexe is designed to seamlessly integrate into the garden and the broader context, visually harmonising with the established pattern of nearby built developments. This approach ensures that the proposal aligns with local planning policies and contributes positively to the overall character of the area.

### **Scale and Amount**

The size of the proposed annexe has been thoughtfully considered to offer comfortable accommodation while minimising its impact on the surroundings and landscape. Careful attention has been given to ensuring that its dimensions reflect the characteristics of a traditional ancillary outbuilding. The single-storey design is specifically chosen to present a subordinate appearance in terms of mass and scale when compared to the host dwelling and neighbouring properties.

Given the size of the host plot, the proposed annexe does not appear out of place when viewed in conjunction with the overall context. It is our contention that the proposal's impact on the surrounding area would be no greater than that of a permissible outbuilding under Class E of The Town and Country Planning GPDO 2015. It is a strong material consideration that reducing the height would potentially allow the applicant to construct the physical structure under Class E Permitted Development Rights.

### **Annexe Access**

Access to the proposed annexe will utilise the existing arrangement, with no provision for independent access. This means there will be no requirement for a separate highway access or any alterations to the existing access point.



## Appearance

Considerable attention has been dedicated to the design and materials of the granny annexe to ensure the granny annexe remains subordinate to the main dwelling and reflects the local character and host dwelling.

The proposed materials for the construction are as follows:

- **Foundations** – Screw Pile Foundation System
- **Roof Construction** – Calderdale Dark Grey Tile pitched roof
- **Fenestration** – Foiled windows and doors (finished in Anthracite Grey)
- **External Cladding** – Marley Cedral Lap Weatherboard Cladding finished in Light Grey)

The choice of materials aligns with the character of the area and seamlessly integrate into the garden context. This thoughtful selection aims to ensure that the granny annexe complements the overall aesthetic of the locality while maintaining a subordinate relationship with the main dwelling.

# Sustainability

The National Planning Policy Framework (“Framework”) (Section 2 para 7) states that “the purpose of the planning system is to contribute to the achievement of sustainable development”.

This is done through three overarching objectives, economic, social, and environmental. This planning statement has clearly shown how the proposals are compliant with the social objective of sustainability. The environmental and economic objectives will be discussed further in this section.

At the heart of the iHUS annexe is sustainability, we believe in ‘doing our bit.’ By making conscious choices on materials, processes, and logistics we can help make an impact towards a better future.

## Offsite Manufacturing

Most of the annexe is pre-constructed in the iHUS factory, this includes the floor cassettes, wall panels and roof panels or trusses, these kits are then transported from the central factory out to site.

Offsite construction offers many advantages over traditional on-site building methods. This includes:

- **Reduced environmental impact** – Construction waste and emissions can be halved, by virtue of production efficiencies and increased recycling.
- **Reduced waste** – Factory production brings about design consistencies to minimise the waste of components. WRAP believes this to be as much as 70-90% waste savings.
- **Environmentally friendly** – The reduced time on actual building sites provides a less intrusive environment for surrounding businesses, households, and road networks.
- **Safety** – The factory is a far more predictable setting than the physical construction site, which eliminates the variables of weather and visibility. Having the conditions be the same every time makes errors much less likely. Most of onsite construction’s most dangerous hazards: like fall from height and equipment accidents, are not an issue in the factory.
- **Less greenhouse gas** – As well as the solid waste that goes to landfill, the machinery used in construction can’t avoid pumping various pollutants into the atmosphere. However, if air pollution can’t be avoided, it can at least be minimised. Reducing works traffic reduces noxious nitrates, which limits local air pollution but greenhouse gases like carbon dioxide are a more global problem that are already causing significant climate change around the world.

## Materials

The materials used to build the annexe are sustainably sourced or are used due to their environmentally friendly qualities, such as:

### Foundations

The foundations used are a screw pile system. This creates almost zero mess, removing the need for skips or other transport requirements for waste spoil a traditional foundation system would produce. Screw Piles are helping drive down carbon emissions against conventional methods. Concrete is now the second most consumed substance on Earth after water. On average, each year 3 tonnes of concrete are consumed for every person on the planet, with 10% of all global carbon emissions because of cement production.

## Timber Frame

95% of the timber used in the construction of the annexe is FSC grade certificate wood. FSC controlled wood is defined as: virgin wood or wood fibre which has been verified as having a low probability of including wood from any of the following categories:

1. Illegally harvested wood.
2. Wood harvested in violation of traditional and civil rights.
3. Wood harvested in forests in which high conservation values are threatened by management activities.
4. Wood harvested in forests being converted from natural and semi natural forest to plantations or non- forest use.
5. Wood from forests in which genetically modified trees are planted.

Forest management certification is awarded to forest managers or owners whose management practices meet the requirements of the FSC Principles and Criteria and the applicable FSC national forest stewardship standard.

## OSB

OSB3 is an engineered, load-bearing wood-based panel product used to create the wall panels, free of knots and voids, and suitable for structural use in humid situations.

FSC certified OSB3 is a safe and sound choice for the construction industry and is used extensively in timber frame housing and for flooring, wall sheathing, roofing. OSB3 is sourced from locally managed forests that are independently certified to Forest Stewardship Council (FSC) criteria. Logs used to manufacture OSB3 are a natural bi-product of the thinning process that takes place in managed woodlands to help it thrive. Only the smaller trees are selected to make OSB3, leaving the larger, stronger trees to grow on for years and provide suitable raw material for the saw milling industry.

## Electric Heating and Waste

Electric heating is environmentally friendly because it does not create emissions and leaves the inside and surrounding outdoor air clear. Electric heating does not produce dangerous carbon monoxide and leaves no build-up of debris like other heating sources. Government figures released in 2018 show that electric heating is better for the environment than gas. This revelation is due to investments in renewable energy, plus a reduced reliance on coal-fired power stations. Another big influence is a re-think on how carbon emissions for new houses are measured.

## Lighting

All LED used throughout the annexe is A+ rated and ninety percent energy saving vs Halogen with 25,000 Hr life.

## Economic

This objective seeks to build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure.

The proposal provides an affordable unit of ancillary accommodation for the applicant's family member, and in many cases releases a family home into the housing stock.

Multigenerational living also has great financial savings because households share common resources, such as food, childcare, eldercare, heat, electricity, transportation, and mortgage/rent, thereby reducing the cost of living relative to individual or single-family living arrangement.

The family will care for each other this will reduce the use of state funded social health services therefore reducing the burden on such provisions.

iHUS also employ over 50 staff members over both operations and construction sectors of the business, the coupled with using local builders' merchants and suppliers, each annexe that is constructed contributes to economy and bolsters the construction industry.

The proposal also uses brownfield land and in most case gardens that are underutilised, therefore, this makes efficient use of land within residential areas.



# Material Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 establishes that planning applications should align with the development plan unless material considerations indicate otherwise. In the case of the proposed granny annexe, several material considerations are deemed significant in the decision-making process.

## Appeal Precedents

### Appeal Ref: APP/Q5300/D/16/3147827 (Appendix B)

**Summary:** The appeal, challenging the refusal of a granny annexe application by the London Borough of Enfield, was allowed. Despite concerns that the proposal might create a separate dwelling, the Inspector disagreed, emphasising the importance of a model condition to restrict use to ancillary purposes.

**Relevance:** This precedent underscores the Inspector's view that the presence of facilities for independent occupation doesn't necessitate such use, highlighting the enforceability of a condition restricting ancillary use.

### Appeal Ref: APP/B3438/A/12/2188171 (Appendix C)

**Summary:** The appeal, against the decision of Staffordshire Moorlands District Council, resulted in permission being granted. The Inspector acknowledged that while the proposed annexe could contain independent facilities, its small size and basic amenities were indicative of ancillary use. The Inspector also recognised the enforceability of a model condition to maintain ancillary occupation.

**Relevance:** This case reinforces the notion that certain characteristics, such as size and amenities, support the ancillary nature of the proposed unit. It emphasises the enforceability of conditions outlined in national guidance.

## Consistency in Decision-Making

**Importance:** While recognising the uniqueness of each application, consistency in decision-making is crucial for instilling confidence in the planning system. This principle aligns with legal precedents and decisions by appeal Inspectors.

**Legal Significance:** Consistency is not only paramount for public confidence but has legal weight, as evidenced in High Court decisions and appeal Inspector statements.

Considering the above, it is argued that the proposed granny annexe aligns with established principles, emphasising the enforceability of conditions to restrict usage. These considerations should carry weight in the decision-making process to ensure a fair and consistent application of planning principles.

## Personal Need

The personal circumstances surrounding the need for the proposed annexe, as detailed in the supporting documents, hold significant weight in the planning decision-making process. Lord Scarman's commentary in *Westminster City Council v Great Portland Estates plc* [1985] emphasises that personal circumstances, including personal hardship, are essential factors in the administration of planning control, as excluding the human factor would be inhuman pedantry.

The legal precedent set by *Great Portland Estates plc v Westminster City Council* [1985] A.C. 661 further supports the acknowledgment of personal circumstances as exceptional or special circumstances in the context of development control.

It is asserted that the personal circumstances of the applicant's parents constitute a strong material consideration that warrants due weight in the decision-making process. The documented personal statement outlines the significant need for the annexe, aligning with the 'relevant protected characteristics' under Section 149 of the Public Sector Equality Duty in the Equality Act 2010.

The proposed development is essential to cater to the specific needs of the applicant's parents, encompassing various aspects of daily life and health care that cannot be adequately addressed in their current accommodation. A refusal of the application would have severe and negative consequences on their day-to-day lives and overall health.

Considering the above, it is respectfully urged that the council recognises the compelling personal circumstances and the critical need for the proposed annexe, giving them due consideration in the decision-making process. This approach aligns not only with legal principles but also with a compassionate and human-centric perspective.

## Planning Precedents

Whilst NAPC Ltd notes that all planning applications should be judged on their individual merit, it is important to consider the successful approvals of applications in the same local area as the application site, or those of a comparable nature, by the Local Planning Authority (LPA). This approach ensures fairness and consistency in the decision-making process. As such, it is worthwhile noting that the below applications were all granted planning permission by the LPA.

### **19/0739/FFU | Erection or rear outbuilding to provide ancillary granny annexe following demolition of existing garage | Arrandale Scotts Grove Road Chobham Woking Surrey GU24 8DY.**

The 29.4 sqm (6m x 4.9m) was approved by the LPA and featured a bedroom, bathroom, and large living and dining area. This demonstrates the acceptability of detached annexes in principle, which contain primary living facilities and sleeping accommodation.

### **16/0334 | Erection of a single storey outbuilding to serve as granny annexe | 165 London Road Bagshot GU19 5DH.**

The 52.5 sqm (9m x 7.5m x 4m x 4.5m) was approved by the LPA and featured a bedroom, lounge area, kitchen, and bathroom. This again demonstrates the acceptability of detached annexes in principle, and that outbuildings with primary living facilities are acceptable in principle.



# Conclusion

This statement has been prepared by NAPC Ltd in support of the application for the erection of a timber pre-fabricated single-storey ancillary granny annexe within the curtilage of *1 Orchard Hill*.

This statement has demonstrated that the proposals align with both national and local planning policies, particularly regarding amenity, design, and visual impact.

The proposal seeks to erect an ancillary granny annexe, to enable the family to stay together, while facilitating the provision of essential care and support. Beyond the familial context, the proposal also addresses a broader societal concern by alleviating pressure on our public healthcare system. Additionally, it is an extremely sustainable form of development which should be championed.

We therefore respectfully request that this application is granted without delay. Your prompt consideration is sincerely appreciated.

# Appendices

## Appendix A – Supporting Personal Statement



1 Orchard Hill  
Windlesham  
Surrey  
GU20 6DB

Dear Sir/Madam,

**Re: Proposed 'granny annexe' at 1 Orchard Hill, Windlesham, Surrey, GU20 6DB.**

I write this to support the planning application for the above project at my property.

My Parents live in South Wales, which is a 3-hour drive from my home address. My mother has many health issues and suffers daily with Fibromyalgia and arthritis which contribute to her walking difficulties which unfortunately getting worse. My Father tends to my mother's needs however his health is also deteriorating.

Mum is not able to do basic housekeeping such as the vacuuming, take the dustbin out etc. She is also not able to 'shake off' minor ailments as she used to. A cold, a chest infection, 'flu', can leave her unwell for some time, making winter a worry. She also has problems getting in and out of bed and relies a lot on my father for help, so it is sadly taking its toll on my dad's health.

We have all agreed that, if planning permission is granted, a good solution would be for my parents to live at my property, but with their own personal space so my husband and I are able to be at hand to help when needed. I'm an only child and have no family nearby my parents' home to call upon which causes me stress.

Though we would like to be able to, my husband and I are not able to 'drop everything' and race down to South Wales whenever my parents are not well and struggling to cope. We are therefore proposing a granny annexe which will allow them to live with us while still maintaining a small amount of the independence which she has now. During times that she 'needed a hand' or was unwell, I would be able to look after her until she was 'back on her feet', plus removing added pressure off my father.

It is reasonable to expect that she will soon become more dependent, and possibly reliant on a wheelchair. However, with the planned ramps, wide doorways, easy access kitchen cupboards etc. and shower room living adjoined to me, she could do this with dignity, and become gradually and more easily dependent on me. Hopefully this would mean that they both get to enjoy a better standard of life and less stress.

I hope that you will consider this application kindly,

Yours faithfully,

Jessica Cope

**Appendix B – Appeal Ref: APP/Q5300/D/16/3147827**



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# Appeal Decision

Site visit made on 13 July 2016

**by Gary Deane BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 16 August 2016**

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**Appeal Ref: APP/Q5300/D/16/3147827**  
**82 Perry Mead, Enfield EN2 8BS**

- 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 Leslie Ernest and Ella Blinko against the decision of the Council of the London Borough of Enfield.
  - The application Ref 16/00020/HOU, dated 5 January 2016, was refused by notice dated 1 March 2016.
  - The development proposed is the erection of an ancillary granny annexe.
- 

## Application for costs

1. An application for costs was made by the appellants against the Council. This application is the subject of a separate decision.

## Decision

2. The appeal is allowed and planning permission is granted for the erection of an ancillary granny annexe at 82 Perry Mead, Enfield EN2 8BS in accordance with the terms of the application Ref 16/00020/HOU, dated 5 January 2016, subject to the conditions set out in the schedule to this decision.

## Main issues

3. The main issues are firstly, whether the proposal would constitute a separate unit of residential accommodation, rather than an ancillary use; and secondly, the effect of the proposal on the character and appearance of the local area.

## Reasons

### *Whether a separate unit of residential accommodation*

4. Although the Council considers that the proposal is tantamount to a new independent unit of residential accommodation that is not what has been applied for. The application forms lodged with the Council make clear that planning permission is sought for the erection of an ancillary granny annexe. The Council validated the application on that basis.
  5. The Council supports its opinion with reference to the intended occupier, which would be the appellant's daughter, the self-contained nature of the accommodation to be provided, the limited connection to the main house, and the ability to provide separate access and to subdivide the plot that is to be shared with No 82. With a bedroom, lounge, kitchen, bathroom and store, the
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new building would have adequate facilities and sufficient space within and around it potentially for independent use by a separate household. Therefore, the Council's concern is not unfounded.

6. However, the evidence is not conclusive that the proposal would actually be used in this way. The appellants contend and have repeatedly stated in writing that it would not. The new building would provide for the needs of the appellant's daughter, enabling her to be on hand to care for her elderly parents that reside within the main dwelling. From my inspection of the plans, the use of the site, in its entirety, would remain for single-family occupation. The proposal would not have a separate address nor would it have separate utility provision or garden. All of these matters consistently point towards the ancillary nature of the proposal.
7. The use of the new building as an annexe could also be controlled by a condition if planning permission were to be granted. The model condition for granny annexes put forward in national guidance is designed to prevent the creation of an additional dwelling. This condition is capable of being enforced in this instance because there is no obvious reason why the Council should not be able to investigate and take any action with regard to any alleged breach of the condition.
8. A request to use the new building independently could be made in the future. However, its location within the garden of No 82, away from the road, with only pedestrian access would indicate that the building would not be suitable for use as a separate dwelling. If such a proposal did come to pass, it could be resisted on the grounds that the building would be unsuitable for use as a separate residential unit with support from adopted planning policies.
9. With a suitably worded condition in place to restrict the use of the new building to an ancillary annexe, I conclude on the first main issue that the proposal does not constitute a separate unit of residential accommodation and that it would be ancillary to No 82. Therefore, I find no conflict with Policy DMD 12 of the Enfield's Development Management Document (DMD). This policy notes that proposals for outbuildings will only be permitted if its criteria are met, which include a requirement that the building is ancillary to the use as a dwelling.
10. As the proposal is not for a separate dwelling, it follows that Policies 3.5 and 3.8 of the London Plan and DMD Policy DMD 8 are not applicable.

#### *Character and appearance*

11. The new addition would be a single storey detached building with timber walls and a dual pitched tiled roof. It would stand to one side of No 82 within its side and rear garden. It would be a sizeable addition and larger than ancillary outbuildings and structures that are generally found in the gardens of residential properties. During the site visit, I saw no outbuildings there were comparable in size to the proposal.
12. Even so, the proposal would be clearly subordinate in relation to the more substantive 2-storey host building and the site. A good-sized garden would remain with the new built form in place. With appropriate external materials and a low profile due to its modest height and shallow pitched roof, the new building would not be obtrusive. While the full-length windows would give the



proposal a residential character, its design would be simple with a utilitarian appearance that would not look out of place in a residential garden setting. Consequently, the new building would not be incongruous in its context.

13. The proposed building would be partly screened from public view by the main house and the boundary fence around the perimeter of the back garden. Only a small part of the new building would be glimpsed from the road, between the existing buildings. From this direction, the new development would be inconspicuous and have no discernable effect on the character and quality of the street scene. The upper part of the new addition would be visible from some gardens and windows of nearby properties. In these views, it would be largely seen in the context of the more substantial 2-storey flank wall of an adjacent property. In that context, the appeal development would not appear excessively large or an overly dominant addition.
14. For these reasons, I conclude on the second main issue that the proposal would not be out of keeping with the character and appearance of the local area. Accordingly, I find no material conflict with CS Policy CP30 and DMD Policies DMD 7, DMD 12 and DMD 37 insofar as they aim to ensure that development is appropriate to, and reflects an understanding of, its context and does not harm the character of the local area.

#### *Other matters*

15. The Council is critical of the appellants for failing to provide sufficient evidence to demonstrate a need for the proposed accommodation. In this instance, the proposed annexe would enable the appellant's daughter to live close to but independent from her parents. In this way, the appellants could stay in their home, thereby providing continuity and stability, while enabling them to be cared for and supported as they become more infirm and dependent. The appellants have provided a cogent case that the proposal, when taken together with the main house, would meet a need that is particular to their personal circumstances. In those circumstances, the new annexe would not, in itself, satisfy a specialist housing need, to which DMD Policy DMD 15 refers, but the application was not promulgated on the basis that it would.
16. Reference is made to case law and several recent appeal decisions involving proposals for annexes elsewhere. From the limited information provided, none appear to reflect the particular circumstances of this case. In the absence of full background details, I am unable to attach significant weight to these decisions either for or against the appeal scheme. In any event, each proposal should be considered on its own merits, as I have done in this instance.

#### **Conditions**

17. I have considered the conditions suggested by the Council in the light of relevant advice contained within the Planning Practice Guidance. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. In the interests of the character and appearance of the area, a condition is necessary to require that samples of external materials are agreed before construction work starts. In addition, a condition is also necessary to ensure the proposed building remains ancillary to the main house.

## **Conclusion**

18. For the reasons set out above, I conclude that the appeal should be allowed.

*Gary Deane*

INSPECTOR

### **Schedule of 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 the following approved plans: Refs 0392-12-15/1A, 0392-12-15/2A, 0392-12-15/3A and 0392-12-15/4A.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 82 Perry Mead, Enfield EN2 8BS.

**Appendix C – Appeal Ref: APP/B3438/A/12/2188171**





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# Appeal Decision

Site visit made on 30 April 2013

**by Alison Partington BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 6 June 2013**

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**Appeal Ref: APP/B3438/A/12/2188171**

**Far End Cottage, Quarry Road, Hollington, Stoke-on-Trent ST10 4HP**

- 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 Kevin Corkery against the decision of Staffordshire Moorlands District Council.
  - The application Ref 12/00578/FUL, dated 13 July 2012, was refused by notice dated 9 November 2012.
  - The development proposed is the replacement of existing garage to provide living accommodation for dependent relative.
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## Decision

1. The appeal is allowed and planning permission is granted for the replacement of existing garage to provide living accommodation for dependent relative at Far End Cottage, Quarry Road, Hollington, Stoke-on-Trent ST10 4HP in accordance with the terms of the application, Ref 12/00578/FUL, dated 13 July 2012, subject to the conditions set out in Annex A:

## Main Issues

2. The main issues of the appeal are:
  - Whether the proposed development would constitute a separate unit of residential accommodation rather than an ancillary use.
  - The effect of the proposed development on the character and appearance of the area.

## Reasons

### *Whether an ancillary use*

3. The appeal site is a detached house with a variety of outbuildings situated in a rural location on the edge of the village of Hollington, and in a Special Landscape Area (SLA). The proposed accommodation for the dependent relative would be built on the site of the existing double garage. It would therefore be separate from the main dwelling but would be directly facing and in close proximity to it.
4. The accommodation would comprise a bedroom, bathroom and living room that would include a small kitchen area. In the Council's view therefore because the accommodation is physically separate from the main dwelling and due to the range of facilities proposed within the unit, it could be used as an independent residential unit.

5. However, the appellant has stated that the accommodation is not to be used in this way but to provide accommodation for a dependent relative for whom they have to provide care. I have only been provided with limited evidence regarding the level of care needed by the relative, but the need to provide care for them has been corroborated by the local councillor. Furthermore given the nature of the illnesses suffered by the relative I consider that the need to provide care will increase with time.
6. Whilst I accept that the proposed accommodation would contain all the facilities required for it to be used as an independent unit, its overall size would be small and the level of facilities it would provide would be basic, which is what would be expected for accommodation that is ancillary to the main dwelling.
7. Furthermore the accommodation would be provided with no separate outdoor space of its own and would share the same access as the main dwelling. Given its proposed location adjacent to the boundary of the site and in close proximity to the main dwelling I cannot envisage any way that it would be possible to provide separate outdoor space for the property or a separate access either now or in the future. Consequently any occupiers of the accommodation would have to utilise the outdoor space and access associated with the main dwelling.
8. In addition it has been stated that the accommodation would not have a separate address nor would it have separate utility provision. These factors again indicate that it would be ancillary to the main dwelling.
9. I recognise that the grant of planning permission could result in pressure for the building to be used as a separate dwelling at the some point in the future. For the reasons set out above I consider that it is very unlikely to be occupied independently of the main dwelling. Moreover Circular 11/95 provides a model condition which could be attached to this permission to ensure that the occupation of this unit remains ancillary. The fact that such a condition is included in national guidance is an indication that it is capable of being enforced and I see no reason why the Council should not be able to investigate and take any action on any breach of the condition.
10. I note the concerns of the Council regarding whether adequate consideration has been given to either providing the required accommodation within the existing house or by extending the existing dwelling. However given the constraints of the site it is not clear to me that the extension of the house would be feasible. Furthermore, given the relative limited size of the current dwelling and the lack of any bathroom facilities on the ground floor I consider that it would not be possible to provide the required accommodation in the existing dwelling without extending it.
11. Overall therefore I conclude that the proposed development would be ancillary to the main dwelling rather than an independent residential unit. As an ancillary use the proposal represents a sustainable form of development and therefore accords with Policies D1 of the *Staffordshire and Stoke on Trent Structure Plan (as amended) (adopted May 2001) (SSSP)* and SS1 of the *Staffordshire Moorlands Local Development Framework Core Strategy Development Plan Document (Revised Submission Document December 2011) (SMCS)*. Since I have concluded that the proposed development is not a separate dwelling Policies H11 of the SSSP, H7 of the *Staffordshire Moorlands*

*Local Plan (adopted September 1998) (SMLP) and R2 of the SMCS are not applicable.*

### *Character and Appearance*

12. The existing garage is a concrete structure that is in a poor state of repair and is not in keeping with the stone buildings that are the predominant building type in the area. The proposed building which would be constructed with stone walls and a slate roof would therefore reflect the surrounding buildings and be more in keeping with the area.
13. Whilst I accept that the proposed building would have a greater height than the existing garage, as a single storey building I consider it would still appear subordinate to the main dwelling which is 2 storeys. Further, in terms of its visual impact on the wider area, when approached from Quarry Road the proposed building would be partially screened from view by the wall and vegetation that forms the boundary treatment at this point. In addition, given the local topography and the close proximity of the proposed accommodation to the existing house I am satisfied that the proposed building would not have an adverse impact on any views from the nearby public footpath.
14. The Council have argued that the demolition of the existing garage could result in additional outbuildings being constructed for the same purpose which could have an adverse impact on the countryside. In the short term the evidence before me indicates that it is unlikely that appellants would want to do this. Furthermore given a suitable condition can be used to ensure that this cannot be done under permitted development rights, the acceptability of any future outbuilding could be considered by the Council. Consequently I consider that this does not constitute a reason for refusing this current application.
15. As a result I consider that the development would respect the character and appearance of the area and it would not materially detract from the high quality of the SLA. As such it would accord with Policies D2, D4, NC1 and NC2 of the SSSP, Policies N8, N9 and B13 of the SMLP and Policies SS6c, SO8, SO9, DC1 and DC3 of the SMCS which seek to ensure that development respects the character, appearance and local distinctiveness of the area and protects the open countryside for its own sake.

### **Conclusions and Conditions**

16. For the reasons set out above I conclude the appeal should be allowed.
17. In addition to the standard implementation condition, it is necessary for the avoidance of doubt, to define the plans with which the scheme should accord. In the interests of the character and appearance of the area a condition is required to control the external appearance of the building. A condition is also necessary to ensure the proposed building remains ancillary to the main house.



18. I am not persuaded it is necessary to remove all the permitted development rights suggested by the Council. Circular 11/95 *The Use of Conditions in Planning Permissions* indicates that such restrictions should be exceptional. However, in order to protect the character and appearance of the area I have restricted rights relating to the development of outbuildings.

*Alison Partington*

INSPECTOR