



Appeal Decision

Site visit made on 16 April 2019

by Kate Mansell BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 May 2019

Appeal Ref: APP/R4408/D/19/3219956

8 Keresforth Hall Road, Kingstone, Barnsley S70 6NF

- 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 Pete Elliot and Ms Adele Smith against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2018/1208, dated 19 September 2018, was refused by notice dated 21 November 2018.
 - The development proposed is erection of a timber single storey granny annex for ancillary residential use associated with the dwelling.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The address given on the application form cites 'Orchard Close', which the appellants have subsequently confirmed to be a typographical error. Accordingly, the appeal has proceeded on the basis of the correct address given on the appeal form.
3. The Council adopted the Barnsley Local Plan (BLP) on 3 January 2019. As a result, the policies that are cited in the reasons for refusal on the Council's decision notice have been superseded by policies within the BLP. The appellant has had the opportunity to comment upon their relevance and accordingly, no parties have been prejudiced by my having regard to them.
4. The Council also advise that since the adoption of the BLP, Supplementary Planning Documents (SPDs) are under consultation, principally to have regard to the new policy context. However, the guidance within the Council's House Extensions Supplementary Planning Document (March 2012) (House Extensions SPD) sets out specific criteria that are relevant to this case. It is therefore a material consideration, which I have taken into account in assessing the proposal.

Main Issues

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

Reasons

Whether or not a separate residential unit

6. The appeal property at 8 Keresforth Hall Road is a detached house that is generously set back from the road by a large front garden. A stone boundary wall of varying heights extends along the front perimeter of the property and returns along Beech Road, a no-through road that adjoins the house along its northern boundary. Other properties within the vicinity of the appeal site are typically detached of varying styles and similarly set back.
7. The appeal proposal would introduce a detached single storey 'L' shaped outbuilding positioned in the north-west corner of the front garden. It would be constructed in imitation timber weatherboard with a tiled roof and it would provide a bedroom, wet room and kitchen/living area. The application form is clear that planning permission is sought for ancillary residential use associated with the main dwelling.
8. I am aware that the appellant has also submitted a Lawful Development Certificate (LDC) pursuant to a proposed mobile home within the garden of the appeal property. However, the LDC has yet to be determined and it is therefore a matter to which I afford negligible weight. In any event, my role is confined to a consideration of the proposal before me.
9. The Council's House Extensions SPD advises that a 'granny annex' should have a close physical relationship with the host dwelling, be single storey and, in all circumstances, it should only have one bedroom and no more than 3 rooms in total. With the exception of the small projecting partition between the kitchen and living area, the layout of the proposal would not be dissimilar to the granny annex at Thurgoland, for which permission was granted by the Council in 2018¹. The kitchen/living area of the proposed outbuilding would be generously proportioned and provide for separate functions, but I am not persuaded that they are two separate rooms given their open plan form. Excluding the space accommodating the water tank, I am therefore satisfied that it would have 3 rooms.
10. Nonetheless, I appreciate that the proposal would have all the facilities for independent day-to-day living. Whilst the Council's Officer Report refers to the definition of a 'purpose incidental to a house' in the context of Permitted Development, the case law cited by the appellant² found that an outbuilding with all the facilities for day-to-day domestic existence would not necessarily become a separate planning unit from the main dwelling but, rather, other factors of significance must also be considered.
11. In this case, the outbuilding is orientated such that the front entrance would face into the garden of the appeal property. From my observations on site, the main entrance and parking to No 8 is from the rear of the house via Beech Grove. Whilst there is a gated access from Keresforth Hall Road, this did not appear to be in use. Consequently, the route to the outbuilding would follow a pathway in front of the ground floor windows of No 8, along the flank elevation and across the garden. It would therefore lack a discrete pedestrian or vehicular access or a separate amenity area as the proposal

¹ Council Ref: 2018/1062

² Uttlesford DC v SSE & White [1992]

would be reached through the host property's garden. As a result, it would maintain a close relationship with the host dwelling.

12. I understand that the outbuilding would not have a separate address, post box, utility meters or phone line etc., although I acknowledge the Council's concern that such facilities could subsequently be installed. However, in my view, the relationship of the outbuilding to the main house, with regard to access and amenity, would not lend itself to independent occupation, which would further support the ancillary nature of the proposal. Its use as ancillary accommodation could also be controlled by a condition to prevent the creation of a separate dwelling, such as that set out within saved Appendix A of Circular 11/95 and used in the appeal decisions cited by the appellant³.
13. For these reasons, I conclude that the proposed outbuilding would be ancillary to the main dwelling and it would not constitute a separate unit of residential accommodation. I therefore find no conflict with Policy GD1 of the BLP in ensuring that development is compatible with neighbouring land. Furthermore, in relation to the number of rooms, its single storey scale and the relationship to the host dwelling, I find no conflict with the House Extensions SPD.

Character and appearance

14. With regard to the siting of a granny annex, however, the Council's House Extensions SPD recognises that they may be permitted in a rear garden. In this case, I appreciate that the majority of the garden to No 8 lies to the front of the house. I also recognise that the front garden sits at a lower level to the road so that the existing wall to the front boundary is approximately 3.1m from ground level to the top.
15. Consequently, the 2.8m eaves of the outbuilding would sit just below the height of the wall. I therefore accept that the bulk of the facade would be screened from the road, although I observed on my site visit that it would still be visible from the front windows of the adjoining property at 'The Hawthorns'. Furthermore, being approximately 4.5m in height to the ridge and even with the pitched roof sloping away from the road, the outbuilding would still be evident above the boundary, particularly given its prominent location on the front corner of the appeal property. Whilst the mature vegetation would provide some screening, the tree cover would typically be seasonal.
16. The appellant has drawn my attention to other buildings that are forward of the principal elevation of the house at Nos 43, 49 and 50 Keresforth Hall Road. However, these garages have either a simple hipped or pitched roof form and a smaller footprint in contrast to the 'L' shape of the appeal proposal. They are constructed in matching materials to the host dwelling. Accordingly, I do not find them directly comparable and, in any event, each case must be considered on its individual merits.
17. I appreciate that the appellant indicates that a condition could be attached requiring details of the external materials to be agreed and that only the grey tile roof of the proposal would generally be visible in any event.

³ Appeal decision refs: APP/Q5300/D/16/314782 and APP/B3438/A/12/218817

However, this would not overcome my concerns about the prominence of the outbuilding as a consequence of its overall height, size and location within the garden. The cumulative effect would, in my view, result in a building that would be a discordant feature within the street scene.

18. I therefore conclude that the proposal would result in harm to the character and appearance of the area, contrary to Policy D1 of the BLP. This policy seeks to ensure that development respects and reinforces local character, having regard to, amongst other matters, the scale, layout and materials of built form in the locality. Given its siting within the front garden, it would also be contrary to guidance within the House Extensions SPD in respect of the location of a granny annex.

Other Matters

19. I recognise that the outbuilding would provide accommodation for the parents of one of the appellants, who, due to advancing age and ill-health require the support of the family. I appreciate that there is a need for an element of constant supervision and the proximity of the outbuilding would understandably provide peace of mind. It would allow the appellants the opportunity to oversee their care and provide support in a suitable and practical environment, both now and in the future, whilst allowing them to retain some independence. I have given these personal circumstances very careful consideration, but unfortunately, I do not consider that they outweigh the harm that I have already identified above.

Conclusion

20. For the reasons set out above, having regard to the harm the proposal would cause to the character and appearance of the area, I conclude that the appeal should be dismissed.

Kate Mansell

INSPECTOR