



Appeal Decision

Site visit made on 29 January 2010

by **M C J Nunn BA BPL LLB LLM BCL MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
3 March 2010

Appeal Ref: APP/Q1445/A/09/2111104 59 Cranmer Avenue, Hove, East Sussex, BN3 7JP

- 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 N Hedden against the decision of Brighton and Hove City Council.
- The application Ref BH2008/03363, dated 19 November 2008, was refused by notice dated 27 February 2009.
- The development proposed is a single storey rear extension to existing garage to form annex to house.

Decision

1. I dismiss the appeal.

Background and Procedural Matters

2. During its consideration of the application, the Council sought clarification as to nature of the proposed development, namely whether it related to the creation of an independent self-contained residential unit or whether it was intended for occupation as ancillary accommodation to the existing dwelling. The appellant confirmed by letter dated 5 February 2009 that the proposed conversion and extension of the garage was for a "multi-purpose annex" comprising "living accommodation/home office/studio" and including a "small wet room and tiny kitchen." It was further stated that the annex would be dependent on the main house "for mail, laundry, electricity, water and waste." The appellant also stated that, although he was considering accommodating short stay language students, such use would be "supplementary accommodation to the main residence and any guest use would be intermittent" (appellant's Final Statement dated 22 October 2009).
3. The proposed plans show a toilet/shower facility (or 'wet room'), a small kitchen, and a combined lounge/bed/sitting area. I acknowledge the Council's view that such facilities could provide some independence from the main dwelling. However, from the appellant's submissions, I am satisfied that what is applied for is an extension to, and conversion of, the existing garage to form a residential annex to the existing main dwelling, rather than the creation of a separate self-contained and independent residential unit. In any event, if I were to allow the appeal, a condition could be imposed confirming that the proposal should only be used for purposes incidental to the enjoyment of the main residence, in accordance with the appellant's stated intention. Such a condition would ensure that the proposal could not be used as a self-contained, free standing residential unit, as is feared by the Council.

4. In the light of the above, I believe the description on the original planning application form, and used in the header above, to be a more accurate description of the works proposed than that used by the Council. I have therefore assessed the appeal on this basis.

Main issues

5. I consider the main issues in this case to be:
- i. the effect of the proposal on the character and appearance of the area;
 - ii. the effect of the proposal on living conditions at adjacent properties with particular reference to noise and disturbance, and;
 - iii. whether the proposal would comply with 'Lifetime Homes' standards.

Reasons

Character and Appearance

6. The appeal property comprises an interwar semi-detached residence in an area of other similar properties. The garage is to the rear, although close to the main house. The vehicular access to the garage is via a communal driveway between No 59 and the adjacent semi-detached house, although access to the garage at the appeal site has been obstructed by a rear addition to the main dwelling. The garage is currently used for storage of such items as bicycles, paints and tools. The arrangement of communal driveways between dwellings serving rear garaging exists at a number of properties in the vicinity.
7. The garage would be extended in length, and the rearward new addition would be wider than the existing structure, thus penetrating deeper into the garden, as well as encroaching across it. The rear part would have a higher ridge height. Whilst the presence of a garage in this location is a common feature of the locality, the proposed extended structure providing living accommodation, projecting deep into, and encroaching across, a modest suburban garden would in my judgement be incongruous in this location and would result in a cramped form of development. I also consider the proposed extension's higher ridge height and increased width would appear bulky and jar with the form of the existing garage. In my view, the extended structure providing annex accommodation would be at odds with the general pattern of development in the vicinity, appearing discordant in this location.
8. I accept the existing garage would benefit from refurbishment, and that it is proposed to use matching materials for the extension. I also appreciate the garage cannot be used to park vehicles because of the obstruction caused by the rear extension. I acknowledge the extension to the existing garage would not be readily visible from the street. However, it would be visible at the rear from neighbouring properties and neighbouring gardens, and in my view would harm the locality's character.
9. I find on this issue that the proposed scheme would materially harm the character and appearance of the area and would conflict with Policies QD2 and QD14 of the Brighton and Hove Local Plan 2005 (BHLP). Policy QD2 requires that all new developments should be designed to emphasise and enhance the

positive qualities of the local neighbourhood by taking into account local characteristics; and Policy QD14 requires extensions or alterations to be well designed, sited and detailed in relation to the properties to be extended, adjoining properties and the surrounding area.

10. I find the objection on this issue to be sufficient on its own to cause the appeal to fail.

Living Conditions

11. The Council has raised concerns about the effect of the proposal on living conditions at adjacent properties with particular reference to noise and disturbance, as well as intensified levels of activity and light.
12. Since the accommodation is intended to be ancillary, rather than used as an independent residential unit, it would be used in the same way as if it were attached to the house. The annex would have only one habitable room, plus a small kitchen and toilet/shower (or 'wet room'). Given the limited size and facilities of the proposed accommodation, I do not believe any increase in activity would be great. In my view the levels of noise, disturbance, or light, likely to be generated would not be significant or sufficiently harmful to cause the appeal to fail. Whilst I accept there may be some intensified level of activity, I do not believe that it would adversely affect the living conditions at adjacent properties. In coming to this view, I agree with the appellant that noise and disturbance could potentially be generated from the existing garage use, particularly if also used as a workshop.
13. I therefore find on this issue that there would be no conflict with Policy QD27 of the BHLP which states that planning permission will not be granted where it would cause material nuisance and loss of amenity to proposed, existing or adjacent users, residents or occupiers.

Lifetime Homes

14. The Council is concerned that the proposal would not comply with 'Lifetime Homes' standards. The appellant has stated that some of the standards have been incorporated into this scheme, but questions whether the standards should be strictly imposed in this case, on the basis that they are intended primarily for new residential dwellings.
15. I have not been supplied with any additional guidance on the standards, explaining their details or application. However it seems to me that Policy HO13 of the BHLP is intended primarily for application where new residential dwellings are being created. The policy also indicates that there is greater flexibility in applying the standards in conversions or changes of use to provide residential accommodation; in such cases, the policy requires the standards to be incorporated wherever it is practicable.
16. This proposal concerns the creation of an annex to an existing residential dwelling, utilising and extending an existing building, rather than the creation of a new residential dwelling. Having regard to Policy HO13, I consider there should be greater flexibility in applying the standards here. Thus, I do not consider an objection based on Policy HO13 to be sustainable in this case. My

findings on this matter do not, however, outweigh the harm I have already identified.

Conclusions

17. Although I have found that the proposal would not harm the living conditions at adjacent properties, and would not conflict with the Council's policy on Lifetime Homes, I find it would be harmful to the character and appearance of the area.
18. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

M C J Nunn

INSPECTOR