

Appeal Decision

Site visit made on 7 September 2016

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

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

Decision date: 21 September 2016

Appeal Ref: APP/N2535/D/16/3154036

45 Melrose Road, Gainsborough, Lincolnshire DN21 2SA

- 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 D Krouse against the decision of West Lindsey District Council.
 - The application Ref 133621, dated 5 September 2014, was refused by notice dated 3 February 2016.
 - The development proposed is conversion of existing garage to provide annex accommodation.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues are:
 - a. whether the proposal complies with development plan policies as being accommodation that is incidental or ancillary to 45 Melrose Road;
 - b. the effect of the proposal on the character and appearance of the host property and surrounding area; and
 - c. the effect of the proposal on living conditions of local residents, with reference to matters of outlook, loss of light and overlooking.

Reasons

Description of site and the proposal

3. 45 Melrose Road is a terraced property in a residential area of Gainsborough where is a fairly high density of dwellings with a high level of on-street parking. The host building and surrounding houses are traditional brick-built properties. It is said that they hold little if any 'architectural' merit. In my view the established rows of pitched roof dwellings of generally uniform height and traditional design, with modest but distinctive detailing, make a positive contribution to the character of the area.
 4. The proposal is to convert the block brick garage at the end of the rear yard and garden of No 45 to a two-storey building for self-contained accommodation including lounge, two bedrooms, bathroom, kitchen and balcony. It is intended as a "family annex" for the appellant's son and visiting friends who are unable to stay when visiting due to the lack of space in the existing house.
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5. The existing vehicular access from Melrose Road would remain unaltered but the new accommodation would have a secondary pedestrian access gained from Mowbray Street. Additional planting is intended to establish a more secluded setting for the new annex.

Whether incidental or ancillary to main dwelling

6. Policy RES 13 of the West Lindsey Local Plan First Review 2006 (LP) sets out among other matters that outbuildings which are incidental to the main property might be converted to additional, self-contained living accommodation, provided it remains incidental to, and within the curtilage of the original dwelling, and satisfies other local plan policies regarding siting, design and amenity.
7. The appellant does not intend to add a further household to the site but simply wishes to create ancillary accommodation for the purposes referred to above. The essential feature of an ancillary use is that there should be some functional relationship with the primary use of the planning unit as it is normally found. A fact and degree judgment has to be made in the circumstances of the case.
8. Account is taken of the extant planning permission Ref 131740 for a ground floor extension and conversion of the garage to form a one bedroom self-contained annex for similar purposes. The appeal proposal however would be significantly different from the approved scheme due to the increased size, scale and level of accommodation now proposed. On this basis alone I consider that the annex would have characteristics of a separate dwelling.
9. There are also features of the proposal that put in doubt the integral relationship with the host property, such as its proposed seclusion and the new access to the rear. Furthermore it is unclear how the whole family, in functional terms would interact as a single extended household.
10. Overall, taking into account these factors, I am not persuaded that the proposal amounts to other than the erection of a separate, self-contained dwelling which would amount to the creation of a separate planning unit. Such a building would not therefore be incidental or ancillary to No 45 and would be contrary to the requirements of LP Policy RES 13 as set out above.

Character and appearance

11. The location of the new building would not ensure that it would be fully screened from views within the street scene, either at Mowbray Street or between properties on Melrose Road. The increase in height, compared to the existing garage, and use of modern materials and finish would make it a prominent and unsympathetic addition to the street scene. This adverse visual impact would be exacerbated by its position tight up against the traditional form of terraced housing on Mowbray Street.
12. I conclude on this issue that the proposal by reason of its excessive size, including its height and mass, together with its modern architectural form and materials, would be out of keeping with the prevailing character of the locality in having a harmful influence within the street scene. The harm would be significant and contrary to LP Policies STRAT 1, RES 11 and RES 13 whose aims include, among other matters, to ensure that new development is appropriately related in character and appearance to neighbouring properties and positively contributes to the enhancement of local distinctiveness and sense of place.

These aims are in line with those of the National Planning Policy Framework, especially Paragraph 17 that always seeks to secure high quality design, a key aspect of sustainability, and Paragraph 58 which encourages design that responds to local character and history, and reflects the identity of local surroundings and materials.

Living conditions

13. The Council has not drawn attention to any minimum privacy standards that are applicable to the appeal. As this is a high density area, with houses in close proximity, a degree of mutual overlooking is inevitable. However from my observations on site and the evidence submitted, the siting, scale and height of the proposed development would have particular impacts, including an overbearing effect on neighbouring properties in relation to the use of their rear gardens.
14. The glazing on the upper level of the new building would have a setback, but this would not effectively restrict the outlook, with the result that there would be a significant loss of privacy to residents of No 47 and the immediately adjoining house on Mowbray Street when using their rear gardens. In addition the proximity of the first floor terrace to the garden areas would result in further loss of privacy including a sense of loss of privacy. The effect of the proposal on the garden of No 47 in terms of loss of direct sunlight is difficult to assess in the absence of further information. While there would be likely to be some overshadowing, bearing in mind the fairly large area of the garden affected, I cannot be certain that such effects would in themselves be unacceptably harmful, but they do add to my concerns.
15. To conclude on this issue the increase in size of the proposed building, together with its first floor terrace would have a harmful overbearing effect on the neighbouring properties and would lead to loss of light and privacy that would substantially reduce the enjoyment of those properties. The harm would be in conflict with relevant LP Policies, in particular Policy RES 11 whose aims specifically include that residential development should not adversely affect the living conditions of neighbouring occupiers.

Overall Conclusion

16. For the above reasons and having regard to all other matters raised the appeal is dismissed.

Grahame Kean

INSPECTOR