



Appeal Decision

Site visit made on 19 July 2010

by **Wenda Fabian** BA Dip Arch RIBA IHBC

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

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Decision date:
6 August 2010

Appeal Ref: APP/H0738/A/10/2127008

The Meadows, Thirsk Road, Kirklevington, Stockton-on-Tees TS15 9LT

- 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 Trevor Birtle against the decision of Stockton-on-Tees Borough Council.
- The application Ref 09/2984/FUL, dated 12 December 2009, was refused by notice dated 9 February 2010.
- The development proposed is the conversion of a garage into a granny flat.

Decision

1. I allow the appeal, and grant planning permission for the conversion of a garage into a granny flat at The Meadows, Thirsk Road, Kirklevington, Stockton-on-Tees TS15 9LT in accordance with the terms of the application, Ref 09/2984/FUL, dated 12 December 2009, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) 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 The Meadows.

Main issues

2. The main issue is the effect of the proposal on the living conditions of the residential occupants of the host dwelling and of the proposed accommodation in terms of privacy, outlook and the provision of private outdoor space.

Reasons

3. The appeal dwelling is at the edge of Kirklevington, in rural surroundings. It is a large detached bungalow set in a generous plot, with a detached double garage close to the front boundary, screened by a high hedge.
4. Policy HO13 of the *Stockton-on-Tees Local Plan, 1997*, (LP) relates specifically to extensions to provide accommodation for dependent relatives and requires these to be designed to be used as part of the main dwelling when no longer required for that purpose. However, the proposal is not for an extension and as the policy is not directly applicable to it I give it reduced weight in this case.
5. The proposal is to convert the existing double garage to a 'granny flat' intended as an annexe to the main dwelling, in order to provide for separate accommodation for a young adult household member who needs to live semi-

independently. It would take the form of a small self-contained unit with its own entrance door, living-room/kitchen and a separate bedroom and bathroom. *Planning Policy Statement 1: Delivering Sustainable Development* sets out the government's commitment to developing strong, vibrant and sustainable communities and to promoting community cohesion in both urban and rural areas. This means meeting the diverse needs of all people. Accordingly, as no directly relevant development plan policy has been drawn to my attention, I can see little objection in principle to the proposal.

6. LP policy GP1 sets out several general planning criteria against which development will be assessed. These include the effect on the amenities of the occupiers of nearby properties. The Council has found no harmful effect from the proposal with respect to neighbouring properties and I share this assessment.
7. The proposed bedroom window would face towards the host dwelling, just over 13m away. I have not been provided with a copy of the Council's *Supplementary Planning Guidance SPG: Householder Extension Design Guide* (SPG2). According to the Council, this sets a minimum requirement for 21m between habitable room windows. However, SPG do not form part of the development plan and as such attract less weight than it. Whilst separation distances of this amount are generally accepted nationally, standards should be applied flexibly in response to the particular circumstances. They are intended to ensure adequate separation between dwellings and in this case the proposal is not for a separate dwelling.
8. The use of the proposed accommodation would remain within the control of the appellant or of future occupants of the main dwelling and, as set out in DoE Circular 11/95: *The Use of Conditions in Planning Permissions*, this could reasonably be ensured by an appropriately worded condition. The proposed bedroom would be small and this would deter prolonged occupation other than for sleeping. Most daytime activity could reasonably be expected to occur in the proposed living room, which faces away from the host dwelling. Accordingly, I consider that the separation between the proposed bedroom window and the main bungalow would be adequate to safeguard the mutual privacy of the occupants. The outlook from the host dwelling would remain unchanged as the garage already exists and I find no harm to the occupants of either building on this basis.
9. No standards in respect of the provision of external amenity space have been drawn to my attention. External space around the bungalow both to front and rear is generous. The proposal would not reduce it. Whilst no specific separate outdoor space has been defined on the proposal drawings for the use of the proposed annexe I have little doubt from all that I have seen and read that adequate private outdoor space could be provided if necessary, to suit the household requirements.
10. I conclude that the proposal would not harm the living conditions of the residential occupants of the host dwelling or of the proposed accommodation in terms of privacy, outlook and the provision of private outdoor space. It would accord with local and national policy.

11. The Council is concerned that as the proposal is for the conversion of a stand alone building, the accommodation within it would not easily be assimilated into the main dwelling were the need for it to cease in the future and that this could lead to it being used as a separate dwelling. However, separation of the property into two separate dwellings would require a further planning permission.
12. The future use of the conversion, should the current need for it cease, is largely a matter for the appellant and for future owners of the property; there are several potential uses of the conversion (such as a home office) that can reasonably be envisaged, which would remain ancillary to the main dwelling, and which are no different to the use of domestic outbuildings elsewhere. The need for ancillary residential use of domestic outbuildings is recognised by the C11/95, which sets out a model condition to ensure this. Although the Council has not suggested any conditions in respect of the proposal, as set out above, separation distances between the proposal and the main dwelling are inadequate for its use by separate households. I, therefore, consider that a condition to safeguard its ancillary use is necessary.
13. For the reasons given above I conclude that the appeal should be allowed.

Wenda Fabian

Inspector