



Appeal Decision

Site visit made on 20 February 2018

by Caroline Jones BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2018

Appeal Ref: APP/H0738/D/17/3190761

Roberta Lodge, Letch Lane, Carlton, Stockton-on-Tees TS21 1ED

- 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 Anthony Connolly against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 17/01904/REV, dated 17 July 2017, was refused by notice dated 8 September 2017.
 - The development proposed is construction of detached Granny Annex.
-

Decision

1. The appeal is allowed and planning permission is granted for detached Granny Annex at Roberta Lodge, Letch Lane, Carlton, Stockton-on-Tees TS21 1ED in accordance with the terms of the application, Ref 17/01904/REV, dated 17 July 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Plan and Proposed Floorplan and Elevations.
 - 3) 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 Roberta Lodge, Letch Lane, Carlton, Stockton-on-Tees TS21 1ED.
 - 4) The external surfaces of the development hereby permitted shall be constructed in the materials detailed on the application form.

Procedural Matters

2. Following the submission of the appeal, on 15 November 2017, the judgement in respect of *Braintree District Council v Secretary of State for Communities and Local Government & Ors [2017] EWHC 2743 (Admin)* was handed down. The judgement concerned the meaning of 'isolated homes' within paragraph 55 of the National Planning Policy Framework (the Framework). The parties have been given the opportunity to comment on the judgement. However, for the reasons below, I do not consider that the judgement has any direct implications for the consideration of the appeal.
3. The Council's first reason for refusal relates to the unsustainable location of the proposed development and its conflict with paragraph 55 of the Framework.

However, notwithstanding the arguments put forward in respect of the Braintree judgement, the appellant sought specific permission for the construction of a detached granny annex and it is on this basis that I must consider the appeal. Occupancy of the proposed annex can be tied to that of the main dwelling by a condition along the lines of that suggested by the Council and to which the appellant is agreeable to. Therefore, as the proposal does not relate to a new dwelling, paragraph 55 is not relevant to the consideration of the appeal. Any future application for a separate dwelling would be unaffected by my determination of this appeal and would be for the Council to consider in light of the relevant policies in place at that time.

Main Issue

4. The main issue is therefore the effect of the proposal on the character and appearance of the area.

Reasons

5. Roberta Lodge is a detached two storey dwelling situated in a generous plot. The surrounding area is rural in character comprising small pockets of linear development with long rear gardens, a number of which contain outbuildings. The rear garden of the host property is laid half to grass with a substantial area of hardstanding at the rearmost part, occupied by a breezeblock, pitched roof outbuilding. The appeal building would be located in this part of the garden and would replace the existing outbuilding, albeit on a different footprint. The annex would utilise the existing access and driveway which runs down the northern boundary of the appeal site.
6. Although the appeal building would be visually detached from the host property, by virtue of its modest height and scale, the annex would be clearly subordinate to the two storey host property. Moreover, the appeal building would be clearly within the existing curtilage of the host property, set well in from the boundaries and would be substantially screened from outside the site by mature boundary hedges. Furthermore, the rearmost part of the garden is already occupied by a smaller outbuilding and I saw at my site visit that built development within rear gardens is not uncommon in the locality, including a substantial building in the rear garden of The Rush close by. For the aforementioned reasons the proposed annex would not appear visually intrusive or unacceptably prominent.
7. As stated above, occupancy of the proposed annex can be tied to that of the main dwelling. Despite not having shared living facilities, this would ensure that the proposal remains subservient in its relationship and setting without subdivision.
8. I therefore conclude that proposal would not have a detrimental impact on the character and appearance of the area and find no conflict with Policy CS3 of the Core Strategy (2010) which seeks to ensure, amongst other things, that new development should respond to local character and Paragraph 17 of the Framework which states that planning should always seek to secure high quality design. As the proposal does not relate to a new dwelling, I have not considered it against Policy EN13 of the Stockton on Tees Local Plan (1997) which relates to the Council's locational strategy.

Conditions

9. As well as the standard time limit condition, I have imposed a condition requiring the development is carried out in accordance with the approved plans in order to provide certainty. As the appellant has detailed the proposed materials in the application, it is not necessary to require further details. I have, however, attached a condition requiring that they are in accordance with these details in order to ensure a satisfactory appearance. I have imposed a condition limiting the occupation of the annex to ensure the accommodation remains ancillary to the main dwelling albeit I have slightly altered the wording of the suggested condition in order to better reflect the guidance.

Conclusion

10. For the reasons given above and taking all matters into account, I conclude that the appeal should be allowed.

Caroline Jones

INSPECTOR