

Appeal statement

Appeal against refusal of planning permission

Location: 137 Victoria Road, Emsworth, PO10 7LX

Proposal: Use of existing summerhouse as an annexe for residential accommodation.

Appellant: Mrs Amy Celik

LPA Reference: APP/17/00718

1.0 Appeal site and surroundings

1.1 Comprises a two-storey post-war dwelling located within a short terrace of similar dwellings on the north side of Victoria Road close to the junction with Record Road. The rear garden is relatively long and beyond the garden is school playing fields.

1.2 The appeal relates to a single storey building located at the bottom of the rear garden.

1.3 The appeal site is situated within a residential area and a sustainable location which is recognised by the Local Planning Authority (LPA).

2.0 Appeal proposal

2.1 The planning application that has led to this appeal was validated by the local planning authority on 3 August 2017. It proposed to use the existing summerhouse in the rear garden as a residential annexe. The summerhouse comprises living accommodation for the applicant's mother-in law to allow her to live close to family members who reside in the main dwelling. This is not an entirely separate dwelling unit and the only access to the summerhouse is

through the main dwelling. The garden is not separated in any way. The summerhouse includes thermal insulation and is connected to main drainage.

2.2 On 28 September 2017 (LPA Ref: APP/17/00718) planning permission was refused by the local planning authority for the following reason:

Having regard to the plot size of the application site, its relationship to adjacent residential properties and the nature of the development applied for, it is not considered that the summerhouse is appropriate for primary living accommodation as it is likely to have an adverse impact on adjoining residents. Furthermore, an approval for the proposal will create an undesirable precedent which would make it difficult to refuse similar further applications. The development is therefore contrary to policies CS16 and DM10 of the Havant Borough Core Strategy 2011, and the National Planning Policy Framework 2012.

3.0 The need for planning permission

3.1 It has been accepted by the LPA that the summerhouse structure is *permitted development*. The issue therefore is whether the current use of the summerhouse is such that it constitutes *development* requiring planning permission. The dictionary definition of an annexe is *a building joined or associated with a main building, providing additional space or accommodation*. Consequently it is a matter of conjecture as to whether the current use of the summerhouse amounts to *development* requiring planning permission

4.0 Reason for appeal

4.1 The appellant wishes to allow her mother-in-law to continue living in close proximity to family members. The existing dwelling is fully occupied by the appellant's family, hence the use of the summerhouse to provide additional ancillary accommodation.

5.0 Planning considerations and policy

5.1 If the Planning Inspectorate agrees with the LPA that the current use of this outbuilding requires planning permission then there are particular circumstances that should be taken into consideration.

5.2 The reason for refusal suggests that the proposed use of the summerhouse would constitute primary living accommodation. This is not agreed. The summerhouse is a residential annexe and by definition ancillary accommodation to the main dwelling.

5.3 Policies CS16 and DM10 in the Adopted Core Strategy are referred to in the reason for refusal. These policies relate to design and pollution. Given that the appeal proposal relates to the use of an outbuilding the only relevant parts of these policies are those that highlight unneighbourly development through noise, odours, overlooking, light pollution and loss of light. It is not considered that the continued use of the summerhouse as a residential annexe would cause any does significant issues that would affect residential amenity. Clearly the size of the summerhouse would preclude use by more than a single person. There are only windows facing the garden and the summerhouse is a reasonable distance away from neighbouring dwellings.

5.4 The National Planning Policy Framework (NPPF) supports sustainable development. The appeal proposal is considered to fall within this definition for which there is a presumption to grant planning permission. Chapter 6 of the NPPF is about delivering housing and Paragraph 50 supports a wide choice of homes for different groups including older people.

6.0 Consultee responses.

6.1 It is noted in the planning officer's delegated that none of the internal and external consultees raised any objections to the appeal proposal.

7.0 Representations

7.1 Two letters were received from local residents as a result of the publicity given to the planning application that led to this appeal and both supported planning permission being granted.

8.0 Conclusions

8.1 It is contended that a reasonable argument could be made that the appeal proposal does not constitute *development* requiring planning permission because it is not a separate dwelling but a residential annexe providing ancillary accommodation to the main dwelling.

8.2 If it is thought that planning permission is required then it is considered that permission should be granted with conditions restricting the use to ancillary accommodation, and, if thought appropriate, a personal planning condition could be imposed.