
Appeal Decision

Site visit made on 17 December 2013

by W D Munday BTP MRTPI

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

Decision date: 2 January 2014

Appeal Ref: APP/X1735/D/13/2208415

28 Wittering Road, HAYLING ISLAND, Hampshire, PO11 9SP

- 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 Christopher Gibson against the decision of Havant Borough Council.
 - The application ref. APP/13/00604 was refused by notice dated 15 August 2013.
 - The development proposed is the conversion of existing garage into ancillary accommodation to the main dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing garage into ancillary accommodation to the main dwelling at 28 Wittering Road, Hayling Island, Hampshire, PO11 9SP, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Layouts, Proposed Elevations and Section Drawing, all dated June 2013.
 - 3) The building shall not be occupied in pursuance of this permission until all works have been carried out in complete accordance with the details set out in the Flood Risk Assessment dated 18 June 2013 prepared by Peter J Walker MRICS. The building shall thereafter be maintained in accordance with these details unless otherwise agreed in writing by the local planning authority.
 - 4) The accommodation the subject of this permission shall be occupied solely for purposes incidental to the occupation and enjoyment of the existing dwelling no. 28 Wittering Road and shall not be used as a separate unit of accommodation.

Main Issues

2. I consider the main issues to be, firstly, the impact of the proposal on the character of the area; and secondly, whether or not the proposal would result in an unacceptable increase in the risks arising from flooding.

Reasons

Planning History and Background

3. I am informed that the building the subject of the appeal proposal was the subject of planning permission granted in 1998, for the replacement of an existing garage with a detached double garage with store over. Whilst the development was commenced within 5 years of the date of the permission, it was not completed until July 2013.
4. On 16 October 2013, a Certificate of Lawful Use or Development was granted for the conversion of the garage into ancillary living accommodation. I understand that a significant difference between the development the subject of the certificate and the present appeal proposal is that the drawings accompanying the present proposal show a kitchen area within the ground floor layout, which is not shown on the plans accompanying the certificate application.
5. The Council officer's report on the application indicates the view that the proposal is tantamount to the formation of a unit of residential accommodation separate from the existing dwelling. Also, the occupiers of a neighbouring property have objected, on the assumption that the proposal involves a separate dwelling. Whilst I note that the proposal includes sleeping, washing and kitchen facilities, the appellant maintains that the proposal is "strictly for private ancillary domestic use only within the curtilage of the property". In these circumstances, provided the main dwelling and the building the subject of appeal remain together in single family occupation, I take the view that the proposal would not result in the creation of a separate planning unit. As such, I have considered the proposal in accordance with the appellant's stated intention.

Impact on Character of the Area

6. The appeal proposal involves relatively limited changes to the external appearance of the subject building. The principal change is the replacement of the garage door with full height glazed openings, which would face towards the existing house. Thus to most views of the building from outside the site, there would be little discernible change in its appearance. It is possible that the use as habitable accommodation might give rise to some increase in comings and goings between the building and the main house. However, similar possibilities would arise through use of the building in accordance with the certificate of lawful use or development. I consider any such increase in activity would be minimal. I therefore conclude in relation to the first main issue that the proposal would not result in a significant impact on the character or ambience of the locality, and I see no conflict in this respect with Policy CS16 of the Havant Borough Local Plan Core Strategy 2011.

Flood Risk

7. The Council's second reason for refusal is founded on the supposition that the accommodation would be occupied as a separate unit of accommodation. This is not the appellant's stated intention.
8. The officer's report on the application indicates that the front corner of the site falls within Flood Zones 2 and 3, including part of the area covered by the

building the subject of this appeal. The appellant's case is supported by a Flood Risk Assessment, which indicates certain measures which could be taken to minimise problems in the event that the building should be flooded. It also indicates that the accommodation at first floor level would provide a safe refuge in the event of flooding. The main dwelling, which it seems is not within these flood zone levels, could also provide a refuge. Notwithstanding there may be some risk of flooding, the building could in any event be occupied as ancillary accommodation in accordance with the Certificate of Lawful Use or Development. I note that the Environment Agency has made no specific objection to the proposal on flood risk grounds. These considerations lead me to the view that the proposal would not give rise to an unacceptable increase in the risk of flooding to people or property, and I consider the proposal would not give rise to any conflict of substance in this respect with the National Planning Policy Framework.

Conclusions

9. I have taken all other matters which have been raised into account. For the reasons given above in relation to the main issues, I conclude that the appeal should be allowed.

Conditions

10. In addition to the normal time limitation, I consider a condition is required to ensure compliance with the approved plans, for the avoidance of doubt and in the interests of proper planning. Furthermore, I consider that the measures indicated in the submitted Flood Risk Assessment are necessary and appropriate, in order to minimise any risk or damage that might arise from flooding, and I have imposed a condition to ensure these measures are implemented and maintained as such. Finally, for the avoidance of doubt, and in the interests of maintaining the character of the area, I have imposed a condition to ensure that the accommodation the subject of this permission shall remain ancillary to the existing main building, in occupation as a single residential unit.

W D Munday

INSPECTOR