



Appeal Decision

Site visit made on 28 October 2008

**by Richard McCoy BSc, MSc, DipTP,
MRTPI, IHBC**

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

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**Decision date:
28 November 2008**

Appeal Ref: APP/A2525/A/08/2074282

Fieldview, Lowgate, Tydd St Mary, Wisbech, Cambridgeshire, PE13 5PF

- 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 C Worts against the decision of South Holland District Council.
- The application Ref H21/1647/07, dated 13 December 2007, was refused by notice dated 31 January 2008.
- The development proposed is the conversion of the garage to a granny annexe.

Preliminary matter

1. I observed that the development has already occurred and I have dealt with the appeal on that basis.

Decision

2. I allow the appeal and grant planning permission for the conversion of the garage to a granny annexe at Fieldview, Lowgate, Tydd St Mary, Wisbech, Cambridgeshire, PE13 5PF in accordance with the terms of the application Ref, H21/1647/07, dated 13 December 2007 and the plans submitted therewith, subject to the following conditions:
 - 1) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Fieldview, Lowgate, Tydd St Mary, Wisbech, Cambridgeshire, PE13 5PF.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on any elevation.
 - 3) Within 1 month of the date of this approval, the balcony window in the north facing elevation of the building shall be fixed shut (without any opening mechanism) and glazed in obscure glass in complete accordance with the details shown on the submitted plan number SD07-038/3 Revision E, dated 6 December 2007. The window shall thereafter be retained as such.

Main issues

3. I consider the main issues to be whether the development is tantamount to the erection of a dwelling in the countryside and the effect of the development on,

- (a) the living conditions of the occupants of Roma from any overlooking, and
- (b) the character and appearance of the area.

Reasons

4. The appeal site is a former garage which stands in the south-east corner of the back garden of Fieldview, a large detached house. Fieldview is part of a ribbon of development which stretches south out of the village. To the front and rear of Fieldview are open fields giving the area a rural character.
5. Under the Council's hierarchy of settlements, Tydd St Mary has been identified as open countryside. New housing is only acceptable in such a location if it is affordable or a rural exception of which this development is neither. However, in my opinion the development is ancillary to Fieldview as it uses existing curtilage facilities such as parking and drying areas belonging to that property. It would therefore function as a small annex to Fieldview albeit a detached, self-contained unit.
6. It seems to me that the development can be secured as one unit of occupation in conjunction with Fieldview by the imposition of a planning condition as suggested by the Council. This would render the development ancillary to the main dwelling and the occupancy would be tied to that dwelling by the planning condition so it remains as one planning unit. As a consequence of attaching such a condition, I consider that the development would not be tantamount to a new dwelling in the open countryside.
7. Accordingly, the development would not conflict with Policies HS9 and HS12 of the South Holland Local Plan, adopted July 2006 or the advice in Planning Policy Statement 1; *Delivering Sustainable Development* and Planning Policy Statement 7; *Sustainable Development in Rural Areas*.
8. Concern was also raised in connection with the overlooking of Roma from the balcony on the north elevation of the development. However, the first floor window leading to the balcony has been constructed using obscured glass and fixed shut and I am satisfied that this arrangement can be retained by way of a planning condition. Consequently the development would not be harmful to the adjacent neighbours' living conditions and would accord with LP Policy SG17.
9. With regard to the effect of the development on the character and appearance of the area, I consider, given the position of the former garage to the rear of the house, some distance from the public road that it is not on prominent public view. Added to which the alterations that have been carried out are modest and do not detract from the character of the host building or of the general area. Accordingly the development is not harmful to the character and appearance of the area and accords with LP Policies SG14 and SG20.
10. I shall attach conditions relating to occupancy and the removal of permitted development rights in respect of windows/dormer windows for the reasons given by the Council. I shall also attach a condition to ensure that the development accords with the submitted plans. All are reasonable and necessary to ensure a satisfactory development though I shall amend the suggested wording for clarity and in light of the advice in Circular 11/95.

11. For the reasons given above I conclude that the appeal should be allowed.

Richard McCoy

INSPECTOR