



Appeal Decision

Site visit made on 22 January 2018

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th January 2018.

Appeal Ref: APP/Q1445/W/17/3187406

11 Northease Drive, Hove BN3 8PA

- 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 Wahid against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/02535, dated 25 July 2017, was refused by notice dated 14 September 2017.
 - The development proposed is formation of part basement to form 'granny annexe'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the basement would be an acceptable form of accommodation that would be ancillary to the main dwelling.

Reasons

3. No 11 is a good-sized, two-storey, detached dwelling sited on the corner of Northease Drive with Applesham Avenue and Lark Hill. It is in a prominent position in the street scape as it sits above the level of the road and is enclosed by a brick wall topped with a low fence. The area to the rear and side of the house is entirely hard surfaced and there is an existing gate in the side wall that provides pedestrian access to Lark Hill via a set of steps. At the time of my site visit these steps did not appear to be in use.
4. The proposal seeks to excavate the area to the side of the house and beneath the west facing rooms to provide a basement. This would enable the provision of self-contained accommodation comprising a kitchen/living area, a bedroom and en-suite bathroom. The existing patio area on this side of the house would be lowered in order to provide the basement with its own front entrance, a small hallway and an area in which to sit outside. This area would be linked to the side gate via a stepped walkway.
5. The appellant states that the purpose of constructing the annexe is to provide accommodation for his mother. However, in order for an annexe to be considered ancillary to the residential use of the main dwelling, it is necessary to demonstrate that there would be either a physical or functional link between the two elements of the building. The scheme does not include any physical link between the basement and the rest of the house, such as a staircase or a shared front door.

6. Furthermore, there was no substantive evidence to demonstrate that the appellant's mother would have any degree of dependence either on facilities within the house or other practical support from the rest of the family. In the absence of any functional link I am therefore not persuaded that the basement would be an integral element of the existing house, or would only be occupied by a member of the family, either in the short or long term.
7. Whilst the garden area might be shared, the inclusion of a new front entrance and pathway to the side gate only serve to emphasise the separate nature of the accommodation as a whole. Even if the utility bills remained the responsibility of the main house, that would not prevent the basement being rented out and occupied separately and independently.
8. It therefore seems to me that the accommodation could be used either as an annexe or a separate dwelling. However, in these circumstances a condition requiring the use to be ancillary to that of the main dwelling would be difficult for the Council to enforce. It would therefore fail to meet the tests for conditions set out in paragraph 206 of the National Planning Policy Framework.
9. As the annexe would be capable of being occupied independently, there is a significant probability that the proposal would lead to the creation of a new planning unit in the future. It is therefore necessary for me to consider whether or not the accommodation would provide satisfactory living conditions for future occupants as a self-contained basement flat.
10. Although the Council has not adopted the Nationally Described Space Standards, these provide a good indication of the minimum floor areas that are necessary to provide satisfactory living conditions for future occupants. These standards require a minimum of 39sq.m for a one-person unit and 50sq.m for a two-person unit. The floor area of the basement would be 42.5sq.m, which would be adequate for a single person. However, I concur with the Council that restricting occupancy in this way would not be practical or enforceable through the imposition of planning conditions. The basement would be inadequate in terms of both internal and external space as a home for two people.
11. Taking all these factors into account, I conclude that the proposal would not be an acceptable form of accommodation that would be ancillary to the main dwelling. It would conflict with the advice set out in the Council's Supplementary Planning Document: *Design Guide for Extensions and Alterations* (SPD12) which requires attached 'granny' annexes to retain a clear dependency on the main dwelling at all times. It would also be contrary to saved Policies QD14, QD27 and HO5 of the Brighton & Hove Local Plan, which seek to provide a good standard of amenity for all future users of development.
12. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR