The Planning Inspectorate

Appeal Decision

Site visit made on 4 February 2019

by Rebecca McAndrew BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2019

Appeal Ref: APP/B0230/W/18/3213324
269 Old Bedford Road, Luton, LU2 7BW

- 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 Mrs B Haddow against the decision of Luton Borough Council.
- The application Ref. 18/00778/FULHH, dated 22 May 2018, was refused by notice dated 16 July 2018.
- The development proposed is conversion of existing garage and store to create an annexe to be used in conjunction with the main dwelling house.

Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing garage and store to create an annexe to be used in conjunction with the main dwelling house at 269 Old Bedford Road, Luton in accordance with the terms of the application, Ref. 18/00778/FULHH, dated 22 May 2018 and the plans submitted with it, 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: K1270-01, K1270-02 and K1270-03A

    3. The annexe hereby permitted shall not be occupied other than by persons having an immediate family relationship with the occupiers of the main house. The annexe shall remain incidental to the main house at all times and shall not be subdivided or occupied as a separate or self-contained dwelling.

    4. Nothwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or of the Town and Country Planning (General Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no window openings shall be fitted in the western flank elevation of the building without the prior permission of the Local Planning Authority.

    5. Nothwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or of the Town and Country Planning (General Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no fences, walls or any other form of

demarcation shall be used to divide the rear garden area between the existing dwelling and the annexe hereby approved.

Application for costs

2. An application for costs was made by Mrs B Haddow against Luton Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issues are;

- Whether the proposed development would provide an acceptable form of ancillary accommodation; and
- The effect on the living conditions of neighbouring properties 271 Old Bedford Road and 63 Barnfield Avenue in respect of noise and general disturbance.

Reasons

Ancillary Accommodation

4. Luton Local Plan Policy (2017) (LLP) requires occupiers of an annexe to have an 'immediate family relationship with the residents of the host dwelling (LLP19(B), criterion i). The appellant's agent states that the proposed accommodation would be occupied by immediate family of the residents of the existing property. Whilst no detailed information or evidence has been submitted of the relative who would live in the accommodation, family occupation and retention of the incidental use could be secured through a condition.

5. The scheme does not propose to divide the rear garden and therefore complies with criterion ii of Policy LLP19(B) which requires that annexes and host dwellings share gardens, with no boundary demarcation. Whilst I note the Council's concerns that the garden could be divided in the future, this could be prevented through a condition.

6. Finally, Policy LLP19(B) requires annexes to be ancillary to the host dwelling in terms of size and facilities (criterion iii). The proposed annexe would have a floor area of around 43 square metres and would include a bedroom, a living room, a study, a bathroom and a cupboard; it's size is governed by the existing footprint of the outbuilding and therefore there is little scope to reduce the scale of the proposed accommodation. I note the Council's concerns that the annexe would be in excess of the minimum floor space for a one-bedroom/ 1 person unit set out in the national Technical Housing Standards. However, the size of the accommodation would only be marginally above what is a minimum standard. In view of the above, the proposed scale of the annexe and the type and level of facilities to be provided would not be excessive or unreasonable. Therefore, in this respect, the proposed annexe would be ancillary to the main dwelling.

7. The proposed size and layout could offer opportunity for kitchen facilities to be installed within the annexe are noted. However, given the size and layout of the proposed annexe, only a small kitchen could be accommodated. This would not be an unreasonable facility in an annexe.

8. I note the Council's concerns that the existing parking spaces to the front of the garage, accessed off Barnfield Avenue, could provide dedicated parking if the proposed annexe was used as a separate dwelling are also acknowledged. However, a separate dwelling has not been proposed and the retention of the incidental use could be secured through a condition. This is not therefore a reason for dismissing the appeal.

9. For the reasons above, I conclude that - subject to appropriate conditions - the proposed development accords with Policy LLP19(B) which seeks to ensure that residential annexes are ancillary to a host dwelling.

Living Conditions

10. The proposed development would not increase the footprint of the building nor would any additional openings be formed. In view of this, as well as taking into account the scale of the proposed accommodation, the associated level of noise and general disturbance associated with the scheme would be unlikely to be significantly greater than the existing situation. As such, the proposal would not harm the living conditions of neighbouring properties. The proposed development therefore accords with Local Plan Policies LLP1 and LLP25 which seek to safeguard a good standard of living conditions for existing residents.

Conclusion

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

Rebecca McAndrew

INSPECTOR