
Appeal Decision

Site visit made on 7 July 2020

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2020

Appeal Ref: APP/B0230/D/20/3248323

287 Hitchin Road, Luton LU2 7SL

- 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 Tony Lettman against the decision of Luton Council.
 - The application Ref 19/01350/FULHH, dated 11 October 2019, was refused by notice dated 13 January 2020.
 - The development is addition of a kitchen to Granny Annexe.
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Decision

1. The appeal is allowed and planning permission is granted for addition of a kitchen to Granny Annexe at 287 Hitchin Road, Luton LU2 7SL in accordance with the terms of the application, Ref 19/01350/FULHH, dated 11 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved plans: DC1, DC02, DC04 and DC05.
 - 2) The annexe hereby permitted shall remain incidental to the dwellinghouse at 287 Hitchin Road at all times and shall at no time be subdivided or occupied as a separate or self-contained residential unit without the prior permission of the Local Planning Authority.

Procedural Matter

2. The Council's decision letter describes the development as retrospective. It is clear from the evidence provided and my site visit that the granny annexe is on the site and is in use. I shall determine the appeal on this basis accordingly.

Main Issues

3. The main issues are the effect of the development on
 - (i) whether the annexe is ancillary or incidental to the main dwelling or a separate independent dwelling unit; and
 - (ii) the living conditions of the occupiers of the neighbouring properties at Nos. 285 and 289 Hitchin Road with particular regard to noise and disturbance.

Reasons

Ancillary or incidental to the main dwelling or a separate independent dwelling unit

4. The appeal site comprises of a detached granny annexe located in the rear garden of 287 Hitchin Road (No. 287), a traditional mid-terrace two storey dwelling located within a mature well-established residential area. The annexe is set down at the bottom of a long narrow sloping rear garden and is set back from the host property. Pedestrian access is provided via an entrance to the side of the property.
5. Planning permission was granted for a granny annexe without a kitchen facility in 2018¹. The appellant states that since the original planning permission, due to the slow deterioration in his mother's health and the challenges in walking uphill to the main dwelling on a daily basis, a kitchen facility has been added to allow his mother to at least have meals in the annexe during the day when the occupants of the main house are at work.
6. The Council argues that as the granny annexe is physically detached from the host property and because the scheme includes a kitchen, living area, bedroom and shower/wc and is potentially capable of being accessed independently, it could be used as an entirely separate self-contained residential unit.
7. None of these factors can be disputed and I agree that the introduction of an independent dwelling to the garden of the host dwelling is not appropriate for a variety of reasons. Nevertheless, the application clearly states that the development is for the addition of a kitchen to the existing granny annexe and the appellant has consistently asserted that it is required to accommodate his elderly mother so that she can be looked after, albeit with a degree of independence. Further, the Council validated the application on that basis.
8. The granny annexe shares the garden of the host dwelling, along with its services and utilities. It also shares the same address and it is occupied by a family member. The building was occupied by the appellant's elderly mother having a meal in the granny annexe during my daytime site visit. I also observed the potential challenges created by the long sloping rear garden for the appellant's elderly mother in making the journey up to the main house on a daily basis, particularly in cold weather and during the hours of darkness.
9. As such, based on the evidence before me and from my inspection, the use of the site, in its entirety, would remain for single-family occupation. On this basis, it is clear to me that the granny annexe forms part of the original planning unit. Contrary to the Council's suggestion, the use and occupancy of the building could be restricted by a suitably worded planning condition and no compelling reasons have been advanced to persuade me that such a condition could not be monitored and readily enforced.
10. I am therefore satisfied that safeguards could be put in place to ensure the building, with the additional kitchen facility, was used as an annexe accommodation ancillary to the host dwelling rather than as an independent residential unit. Given that the development involves no external changes to

¹ 17/01756/FULHH

the building, I am also satisfied that such a use is appropriate and does not appear out of context in this domestic setting.

11. Consequently, I find no conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2017 (LP) which, amongst other things, require development proposals, including annexes, to be of a high quality design that demonstrates a functional link between the principal dwelling and annexe and is ancillary to the principal dwelling in terms of its size and facilities. In addition, it accords with the National Planning Policy Framework (the Framework) that development should seek to create places that promote health and well-being, with a high standard of amenity for existing and future users (paragraph 127).

Living conditions of the occupiers of the neighbouring properties

12. The pedestrian access for the granny annexe is provided via an alleyway between No. 285 and 287 and is separated from the gardens at the rear of the adjacent properties by a high close boarded fence running along the route of the access way and the common shared boundaries.
13. Whilst I accept that there is some impact from the development, the occupiers of Nos. 285 and 289 would be used to a certain degree of noise and disturbance from the existing use. Given the modest scale of the changes, together with the boundary treatment and the separation distance between the properties, I do not consider that the development would lead to a significant increase in noise levels, nor result in significant harm to the occupiers in the garden areas at the rear of the adjacent properties. The Council have not provided any evidence which demonstrates the additional kitchen facility generates a more harmful level of noise or disturbance compared to the development originally permitted.
14. As such, I conclude that the development does not adversely harm the living conditions of the occupiers of the neighbouring properties Nos. 285 and 289 Hitchin Road with particular regard to noise and disturbance. Accordingly, it is consistent with Policies LLP1, LLP19 and LLP25 of the LP which seek, amongst other things, to ensure that development, including annexes, create quality places that do not adversely affect the amenity of nearby occupiers. In addition, it accords with the Framework that development should seek to create places that promote health and well-being, with a high standard of amenity for existing and future users (paragraph 127).

Conditions

15. Having regard to the Framework, and in particular paragraph 55, I have considered the conditions suggested by the Council. I have specified the approved plans as this provides certainty and a condition is also necessary to ensure the granny annexe remains ancillary to the main house.

Conclusion

16. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR