



Appeal Decision

Site Visit made on 8 December 2020

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2020

Appeal Ref: APP/B0230/D/20/3258661

310 Sundon Park Road, Luton, LU3 3AR

- 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 T. Akhtar against the decision of Luton Borough Council.
 - The application Ref 20/00478/FULHH, dated 22 April 2020, was refused by notice dated 16 June 2020.
 - The development proposed is conversion and extension of residential outbuilding to form a one bedroom residential annexe.
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Decision

1. The appeal is allowed and planning permission is granted for conversion and extension of residential outbuilding to form a one bedroom residential annexe at 310 Sundon Park Road, Luton, LU3 3AR in accordance with the terms of the application, Ref 20/00478/FULHH, dated 22 April 2020, 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: 488-24, 488-25, 488-26 and 488-28.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The annexe hereby permitted shall remain incidental to the dwellinghouse at No 310 Sundon Park Road at all times and shall at no time be subdivided or occupied as a separate or self-contained living environment or benefit from physical severance (e.g. boundary treatment) within the site, the separation of access to the site; or any degree of subdivision or self-containment from the original dwellinghouse.

Main Issues

2. The main issues in this appeal are the effect of the size and scale of the extended outbuilding on the character and appearance of the surrounding area and whether its use would be incidental to the main dwelling.

Reasons

3. It is proposed to convert and extend a garage/workshop outbuilding in the rear garden of No 310 to form a residential annexe.

4. No policy or guidance setting out space standards for annexes has been provided. Therefore, whether the overall size of the resulting outbuilding would be reasonably required for an annexe is a matter of judgement. There is no convincing evidence to support the Council's view that the annexe would be excessively large for its purpose or disproportionate to the principle dwelling. An existing building would be extended by a small addition and the proposed flat roof would reinforce its subordination. The extended annexe would leave sufficient garden space for its shared use by the occupiers of the house and annexe.
5. Wider views of the annexe from the public realm would be limited by the single storey structure in the garden of No 312 and the electricity substation behind it. But in any event, the design of the extension and the external alterations would be in keeping with similar outbuildings in the area. The plot is similar to other plots in the locality, many of which contain outbuildings. Within this context the resulting development would not appear incongruous or otherwise bulky or overly large. The proposal would not amount to an overdevelopment of the plot.
6. The annexe would be ancillary to the main property and is proposed to be occupied by the occupier's extended family. The garden, and therefore the annexe, can only be accessed through the main dwelling or its attached side garage, thereby maintaining a link between them and preventing its use as a separate dwelling. This would also be further controlled by the imposed occupancy condition. The annexe would not therefore function as a separate dwelling.
7. For the reasons set out above, the proposal would comply with Policy LLP19 of the Local Luton Plan (LLP) which sets out the Council's requirements for extensions to dwellings and annexes and is in my view the LLP policy most relevant to this appeal. Furthermore, there would be no conflict with the more general and strategic LLP Policies LLP1, which sets out a presumption in favour of sustainable development, and LLP25 which requires high quality design. The proposal is also broadly consistent with the requirements of the National Planning Policy Framework.

Other Matters

8. The Council refer to a previous appeal relating to the 'extension of the existing annexe and conversion of the existing garage to form a two bedroom dwelling' which was dismissed (APP/B0230/W/19/3232828). However, that proposal was for a new dwelling extending across the rears of both Nos 308 and 310 with an independent access onto Ashwell Avenue. It is therefore a materially different scheme to the appeal proposal which has been determined on its own merits.
9. Concerns that allowing the appeal proposal could set a precedent for similar proposals in the locality can be given very little weight as each application should be considered on its own merits, having regard to the policies and guidance pertinent at the time.
10. The appellant's concerns about the determination of the appeal application would be more appropriately addressed by the Council's internal procedures and have not been taken into account in determining this appeal.

Conditions

11. In addition to the imposition of an ancillary occupancy condition noted above, the Council recommended excluding the installation of a kitchen or other cooking facilities. The appeal drawings indicate a living room with a small kitchenette area. I do not consider a modest food or drink preparation area to be inappropriate in an annexe and have not therefore imposed this element of the suggested condition. The approved drawings are identified in a condition for the avoidance of doubt and in the interests of proper planning. I have required the external materials to match the existing outbuilding to ensure a satisfactory appearance.
12. For the reasons set out above the appeal should be allowed.

Elaine Benson

INSPECTOR