



Appeal Decision

Site visit made on 10 December 2024

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 January 2025

Appeal Ref: APP/B0230/D/24/3348012

54 Lincoln Road, Luton, LU4 8NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr T Shah against the decision of Luton Borough Council.
 - The application Ref is 24/00433/FULHH.
 - The development proposed is described as 'retention of outbuilding/ gym room in rear garden'.
-

Decision

1. The appeal is allowed and planning permission is granted for an outbuilding/ gym room in rear garden at 54 Lincoln Road, Luton, LU4 8NE in accordance with the terms of the application, Ref 24/00433/FULHH, 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: 02/02 Location and Block Plan; and 01/02 Existing Plan & Elevations.
 - 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 single-storey rear extension of the dwelling.
 - 4) The use of the outbuilding hereby permitted shall remain incidental to the dwellinghouse known as No. 54 Lincoln Road at all times and shall at no time be occupied as a separate or self-contained dwelling.

Procedural Matters

2. The description of development varies on the planning application and appeal forms. As the parties have not provided written confirmation that a revised description of development has been agreed, I have used the one given on the planning application form in the banner heading above and in the formal decision. However, in the decision I have omitted reference to 'retention', as this does not reflect the definition of development within the Planning Acts.
3. An outbuilding has been constructed at the site but its design does not fully reflect the development shown on the appeal plans. For example, as built it includes a roof light, and the openings in the brickwork to the side of the roof overhang differ; a

section of cladding has been added to the north-eastern side elevation. At the appeal site visit it was not possible to verify the height of the building, but as constructed there appears to be a larger gap between the arched openings and fascia above. For the avoidance of doubt, I have determined this appeal on the basis of the building 'proposed' on the submitted plans rather than as built.

4. Since the appeal was lodged a revised National Planning Policy Framework has been published. Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal, and that proceeding without seeking further comments from the parties would not be prejudicial to their cases.

Main Issues

5. The main issues are:

- (1) the effect of the development on the character and appearance of the appeal site, street scene and surrounding area;
- (2) whether or not the building would exceed that required as an incidental building to the host house; and
- (3) whether or not the garden area would be sufficient to meet the needs of residents of the house.

Reasons

Character and Appearance

6. The appeal property is a semi-detached house within a residential area. Dwellings of similar design and scale front onto Lincoln Road, and a similar pattern of frontage housing is found in surrounding streets. Dwellings tend to be sited close to their boundaries, and gaps between buildings are limited. As a result, there are glimpses of the rear garden environment, the these do not contribute to the street scene.
7. The roof of the outbuilding at the site is seen above the gated side access of No.54 and the lean-to of neighbouring 56 Lincoln Road. As built and proposed, it is set back at the end of the garden, and would have little visual impact on the street scene. Within the rear garden, it would be a sizeable building, similar in scale to that in the garden of the attached house, No.52¹. The building would be generous in footprint and would fill the width of the plot. However, I do not share the Council's view that it would be out of character with the original and surrounding dwellings and the area. Large outbuildings are an established part of the rear garden environment of the dwellings in Lincoln Road and to the rear. These vary in terms of size, layout, roof form, design and materials, but many occupy the full width of their plot, and abut their rear boundary. Whilst it may not improve the character of the area, it would preserve it, in accordance with Policy LLP1 of the Local Luton Plan 2011 – 2031 (2017) (LP).
8. The appeal property has accommodation over three floors and a single-storey rear extension. In this context, I do not consider the outbuilding to be disproportionately large. Although the arched entrance is somewhat ornate, the design is not out of

¹ Albeit the Council's report notes that there is no planning record identified for this building and it is to be investigated by the Council's planning enforcement team.

character with the composition of the dwelling and others in the vicinity. The effect on the private garden area is addressed as a separate matter in this decision, but I am not convinced that the development would result in the site appearing overdeveloped. I note the Council's view that the garden area has been reduced to a level that is out of character in its surroundings, but the size of gardens in the area varies as a result of the mixed ratio of outbuildings and dwelling extensions.

9. I therefore conclude that the proposal would be acceptable in its effect on the character and appearance of the appeal site, street scene and surrounding area. It would accord with LP Policy LLP1, and would be of sufficiently high design quality to respond positively to the site and building context as required by LP Policy LLP25. Although LP Policy LLP19 does not specifically relate to domestic outbuildings, the proposal would reflect its requirements, in that the scale, mass, layout, design, and external materials would be consistent with and proportionate to the principal dwelling and surrounding properties, and would be of ancillary size and facilities.

Incidental Use

10. The Council has applied LP Policy LLP19 B in its assessment of the appeal building, but this specifically relates to the provision of annexes to accommodate dependent relatives. However, that is not the proposal which has been applied for, and I have determined the appeal accordingly. Its stated purpose would typically be regarded as incidental to the use of the dwelling; that being a use that is not 'part and parcel' of, but has a normal functional relationship with, the primary dwellinghouse use. As proposed, the building would not provide primary accommodation that would be expected to be contained within the main house.
11. In terms of its size, it would not be excessive in scale relative to the host house, given the context of similarly sized dwellings with large outbuildings nearby. It would not be overly large to accommodate a range of exercise equipment, nor would it be unreasonable to include an associated shower room.
12. I note the Council's concern that the building exceeds the gross internal floor area for a 1-bedroom/1-person dwelling as set out in the Technical Housing Standards, and that independent access to the building could be obtained via the side gate of the house. Again, this is not the development applied for, and if the structure is not built or used as proposed, or if there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required, and the building would be at risk of enforcement action if such permission is not granted.
13. I therefore conclude that the proposal would be of a scale appropriate for a building incidental to the use of the main dwelling. For the reasons outlined above, there would be no conflict with LP Policy LLP19 B.

Garden Area

14. The Council advises that the remaining garden area would be in the region of 55 sqm., and that this would be below its external amenity space standards. In making this assessment, the Council has applied LP Appendix 6, albeit this appears to relate to space standards for new dwellinghouses. However, applying this standard, I accept that the remaining garden area would be below the

recommended 90 sqm., but would exceed the minimum standard of 45 sqm. set out in that document.

15. Viewed on the ground, the remaining garden area would be of a shape, size and position such that it would provide a functional space for residents of the property. On the evidence supplied, I do not consider that the space would be cramped or inadequate to meet their needs for amenity space, and a such a quality living environment would be maintained.
16. I therefore conclude that the retained garden area would be of sufficient size and usability to meet the needs of residents of the house. There would be no conflict with the overarching aims which underpin LP Policies LLP1 and LLP25. LP Policy LLP25 xi. appears to apply the standards in appendix 6 to new housing and is not directly relevant, although as noted above the proposal would retain a garden in excess of these minimum standards.

Conditions

17. As I have dealt with the appeal as a 'proposal', I have attached the standard time limit, and a condition specifying the approved drawings as this provides certainty. Although the main house is rendered, it has a brick rear extension, and the use of this material for the outbuilding was specified on the application form. It is appropriate to control materials to match the existing extension to safeguard the character and appearance of the development and the area, and I have modified the standard condition accordingly.
18. As the outbuilding would be for incidental use, a condition to restrict the use would not normally be necessary, but for clarity, and with some modification to wording I have attached that requested by the Council; a restriction on the provision of internal facilities would not meet the statutory tests. With that condition attached, a separate condition to control the subdivision of the planning unit would not be necessary.

Conclusion

19. For the reasons given above the appeal should be allowed.

H Lock

INSPECTOR