



Appeal Decision

Site visit made on 18 June 2025

by D J Barnes MBA BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal Ref: APP/B0230/D/25/3364114

54 Woodmere, Luton LU3 4DN

- 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 Mary Osei-Gyau against the decision of Luton Borough Council.
 - The application Ref is 25/00127/FULHH.
 - The development proposed is the conversion of an existing garage outbuilding to an annex for family.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The proposed development includes the re-use of an existing single storey detached garage as a residential annex to the host property. The garage is situated within the front garden of the property which is accessed via a drive fronted by other dwellings. The external appearance of this outbuilding would be altered by the garage doors within the front elevation being replaced by a door and a window with these openings being seen in the streetscene along the drive. A patio style door and window would be erected within the flank wall facing towards the host property and, as such, would not be visible from the drive. Rooflights are proposed with the rear roofslope but these would not materially affect the current character and appearance of the garage when viewed from the neighbouring rear gardens.
4. The appellant claims that the proposed annex would be occupied by a family member. Policy LLP19 of the Luton Local Plan (LP) provides criteria to assess proposals for annexes to accommodate dependent relatives, including there being a functional link between the principal dwelling and the annex, and for it to be ancillary to the principal dwelling in terms of its size and facilities. The appellant has not specified any details about the needs of a particular family member who might occupy the proposed annex. However, the appeal scheme is related to the use of the garage as an annex to the host property for a family member rather than necessarily for a named dependent relative.

5. The proposed accommodation would include living space with a kitchenette together with a small bathroom and bedroom. The appellant claims that there would still be a functional link between the proposed annex and the host property because there would be shared facilities, including access, amenity space, parking and utilities.
6. No maximum floorspace figure or list of acceptable facilities are included in LP Policy LLP19 to determine whether an annex would be ancillary accommodation and, as such, it is a matter of judgement. In this case, the floorspace of the appeal scheme would be significantly below the *Nationally Prescribed Space Standards* for a 1 person/1 bedroom dwelling. The size of the proposed bathroom would have the character of an en-suite bathroom. The indicated kitchen would only be capable of accommodating basic facilities rather than functioning as a main kitchen.
7. Accordingly, the judgment is that the proposed annex would be ancillary to the host property in terms of its size and facilities. Further, there would also remain a functional link between the proposed annex and the host property as identified by the appellant, including related to the amenity space because there are no proposals to sub-divide the front garden.
8. Although the claims of a local resident to the contrary have been noted, if this appeal succeeds then there would be the opportunity to impose a suitable condition which would require the proposed annex only to be occupied as accommodation ancillary to the host property and not as a separate dwelling. This would reinforce the functional link between the appeal scheme and the host property.
9. However, as claimed by the council, the change in the design of the front elevation would result in an incongruous form of development because, , the converted garage would have the appearance of a small bungalow sited within the front garden of the host property. The resulting building would not reflect the character and appearance of the predominantly 2-storey dwellings and other garages within the surrounding area, particularly those fronting the access drive. This matter significantly and demonstrably outweighs the proposed annex being judged to have functional links with, and be ancillary accommodation to, the host property.
10. Accordingly, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would conflict with LP Policies LLP19 and LLP25 concerning the design of developments, including extensions to dwellings and annexes, being consistent with, and responding positively to, the streetscape. LP Policy LLP1 is a generic policy concerning the principle of sustainable development rather than a detailed development management policy.

Other Matters

11. The comments of local residents raising a range of other matters, including the effect of the proposed development on their living conditions, have been noted. However, the council has not assessed that these other matters would cause unacceptable harm and there are no reasons for a different assessment to be reached. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR