



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/25/3363969

2 Woodmere, Luton LU4 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 Mr and Mrs K Nisar against the decision of Luton Borough Council.
 - The application Ref is 24/01404/FULHH.
 - The development is the conversion and change of use of a garage to habitable room and alterations to fenestration.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion and change of use of a garage to habitable room and alterations to fenestration at 2 Woodmere, Luton LU3 4DN in accordance with the terms of the application, Ref 24/01404/FULHH, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; mma.477 and mp.2411.
 - 2) The annex hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as 2 Woodmere, Luton LU3 4DN and shall not be sub-divided or occupied as a separate or self-contained dwelling.

Procedural Matter

2. The development subject of this appeal has been undertaken.

Main Issues

3. It is considered that the main issues are (a) the effect of the development on the character and appearance of the surrounding area and (b) whether there are satisfactory living standards for the occupiers.

Reasons

Character and Appearance

4. The development includes the re-use of a garage for residential accommodation which is claimed by the appellants to be ancillary to the host property. The appellants claim that the accommodation is needed for family members to occupy part of the year and for the remainder of the year it is used for home working and a kitchen to supplement the facility in the host property. Details of the family members who occupy the property have been provided but these details are not

included in this decision to protect their privacy. However, the appeal scheme is related to the use of the garage as an annex to the host property for use by family members rather than necessarily for a named dependent relative.

5. The alterations undertaken to the garage include the erection of a second opening within the side elevation facing towards Whitehorse Vale. The design of the appeal scheme includes the retention of 2 garage doors and a side door which provides access between the former garage and the host property. Even with the additional opening, within the streetscenes along Woodmere and Whitehorse Vale the building retains the character and appearance of a double garage rather than for example, a small bungalow.
6. 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. However, no 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.
7. The appellants claim that there is a functional link between the proposed annex and the host property because there are some shared facilities, including the main living space. Further, there also remains some dependency between the annex and the host property, including being related to the amenity space and parking because there are no proposals to sub-divide the front garden. Accordingly, the judgment is that the annex is ancillary to the host property in terms of its size and facilities.
8. If this appeal succeeds there would be the opportunity to impose a suitable condition, of a type suggested by the council, which would require the proposed annex only to be used and 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 and, as such, the development can be judged to accord with the functional links and ancillary accommodation requirements of LP Policy LLP19.
9. Accordingly, it is concluded that the development does not cause unacceptable harm to the character and appearance of the surrounding area and, as such, it does not 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.

Living Standards

10. LP Policy LLP19 does not include a floorspace figure or list of acceptable facilities to determine whether an annex would provide satisfactory living standards for ancillary accommodation.
11. In this case, the floorspace of the appeal scheme is significantly below the *Nationally Prescribed Space Standards* for a 1 person/1 bedroom dwelling. However, it is not intended that this building is occupied as a separate dwelling house and, as such, it does not need to accord with the national space standard to ensure that there are appropriate living standards for the occupiers and users of the annex.

12. The size of the proposed bathroom has the character of an en-suite bathroom. The kitchen area does possess facilities which could be considered to be in excess of those basic facilities normally associated with a small kitchenette. However, this is partially explained by its use as a dirty kitchen by the occupiers of the host property. The living space was being used as a home office at the time of the site visit. This space is limited in size and if occupied by a double bed there would be very limited space available for other items of furniture and this reinforces the dependency upon the host property. By reason of the dependency on the host property, the facilities available and the floorspace, it is judged that the accommodation provided by the annex is appropriate for its current ancillary use and is not unacceptably cramped giving rise to unsatisfactory living standards for the occupiers.
13. On this issue, it is concluded that the development provides satisfactory living standards for the occupiers and, as such, it does not conflict with the National Planning Policy Framework (the Framework) which requires a high standard of amenity for existing and future users. LP Policies LLP1, LLP19 and LLP25 do not include specific requirements related to living standards for a residential annex.

Other Matters.

14. Concerns have been raised by a local resident about parking provision. However, this was not raised as a reason for the council refusing the appeal application and there are no reasons to disagree with the council's assessment, particularly where the accommodation is ancillary to the host property rather than being occupied as an independent dwelling house. For the same reason, there is not an over intensification of the residential plot.

Conditions

15. The council has suggested conditions in the event that this appeal succeeds which have been assessed against the tests identified in the Framework and the Planning Practice Guidance. For reasons of clarity, a condition is necessary to identify the approved drawings. As identified, a condition restricting the use and occupancy of the former garage to being an ancillary accommodation to the host property is also necessary.
16. Accordingly, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR