



Appeal Decision

Site visit made on 9 July 2025

by **P B Jarvis DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 August 2025

Appeal Ref: APP/B0230/W/25/3362299

95 Stockingstone Road, Luton LU2 7NE

- 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 Andrew Green against the decision of Luton Borough Council.
 - The application Ref. is 25/00032/FUL.
 - The proposed development is erection of rear annexe to provide better accommodation for one tenant in 8 bed HMO (no increase in tenants).
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Decision

1. The appeal is allowed and planning permission is granted for erection of rear annexe to provide better accommodation for one tenant in 8 bed HMO (no increase in tenants) at 95 Stockingstone Road, Luton LU2 7NE in accordance with the terms of application ref: 25/00032/FUL and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby approved shall accord with the following plans: 1:1250 site location plan (ref: PP-13689609v1), 1 (1:1250 site location plan – existing and proposed), 2 (proposed elevations scale 1:100), 3 (floor plan scale 1:100), existing ground, middle and top floor plans and proposed top floor plan at scale 1:100.
 - 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 not be occupied until the works to create a single HMO room on the top floor of the existing building have been completed in accordance with the approved plans. Thereafter the annexe shall only be occupied as part of the HMO use in the main building at 95 Stockingstone Road, Luton and shall at no time be occupied as a separate or self-contained unit.

Main Issues

2. The main issues are the effect on
 - the character and appearance of the host building and surrounding area
 - the living conditions of the occupiers of the proposed and existing building.

Reasons

Character and appearance

3. The appeal building is a semi-detached property which is currently used as an 8 person House in Multiple Occupation (HMO). It comprises of 3 bedrooms and shared kitchen / dining room on the ground floor, 3 bedrooms, kitchen and bathroom on the first floor and 2 bedrooms and bathroom on the top floor.
4. The appeal site is located in an area of predominantly residential properties but there are a number of commercial uses located within nearby ground floor premises. The attached building (number 93) occupies the corner of Stockingstone Road with Colin Road and contains a beauty salon on the ground floor with flat above. A separate two storey building is located to the rear of this property which fronts Colin Road; this contains a café on the ground floor with residential above. A terrace of residential properties adjoins to the other (west) side of the appeal site with further terraced residential properties to the south along Colin Road.
5. The Council has referred to Policy LLP19 of the Luton Local Plan 2011-2031 (2017) (LP) which relates to extensions to dwellings and annexes. Part B refers to annexes setting out a number of criteria that should be met. However, given that this policy relates to dwellings and having regard to its wording whereby it clearly relates to that use, it is not a relevant policy.
6. LP Policy LLP17 relates to HMOs and sets out a number of criteria relevant to the sub-division of an existing building or the development of new HMO accommodation. This is a relevant policy albeit does not deal specifically with the provision of annexes. It seeks to ensure that there is no adverse impact on the character and appearance of the area, that the accommodation conforms with adopted licensing and amenity standards and other local plan design standards, and that appropriate outdoor amenity space, storage and parking provision are provided.
7. The proposed annexe would be sited in the south-east corner of the rear garden of the appeal site adjacent to the rear wall of the building on the adjoining site (93a Stockingstone Road) and the side elevation of the building located to the rear (113 Colin Road). The building would take up about a third of the existing rear garden area but as it would be set close to the existing adjoining buildings, it would not appear unduly large being of only single storey height and would be seen against the higher walls of these adjoining buildings.
8. The rear garden areas of the adjoining residential properties to the west are generally open though some have garden buildings. However, the appeal site is considerably wider than the adjoining residential plots with a comparatively wider rear garden area and the proposed annexe building would be sited away from the common boundary with the nearest property, number 97. Therefore, it would not appear dominating in relation to that property nor, given existing boundary features, any other adjoining property. Overall, its scale and siting would be appropriate within the site context and would not appear cramped.
9. The proposed annexe would only be accessed through the main building and would have no separate, independent entrance. In addition, whilst it would provide a large bedroom with small kitchen and bathroom such that its occupants may not choose to share the kitchen / dining room within the main building, it would share the

outdoor amenity space. Thus, its occupation would be associated with the main HMO building on the site and suitable conditions can be imposed to ensure that remains the case. I note in this respect that the Council's Housing Section has indicated that an HMO licence is likely to be issued.

10. The amount of rear amenity space retained would be sufficient to serve all the occupants of the HMO without harm to the character of the area and a condition can ensure that the total number of occupiers remains as existing, as is proposed. Overall, the proposed annexe would not result in an over-intensive form of development.
11. As such, I see no reason why it should harm the character and appearance of the area either due to its built form or occupation. Overall, it would comply with LP Policies LLP1, LLP17 and LLP25 which, in addition to the above, seek sustainable development of high quality design which responds positively to the site and building context, provides flexible living accommodation to meet the needs of the community and provides external amenity space to meet the needs of occupants. In addition, it would satisfy policy in the National Planning Policy Framework (the Framework) that seeks to achieve well designed places that function well, are visually attractive and sympathetic to local character whilst at the same time making effective use of land to meet the needs of the community.

Living conditions

12. The Council has suggested that the annexe would have 'limited internal floor area' but having regard to the layout and facilities provided there is no indication that it would be sub-standard either in terms of size or provision of natural light and outlook. As indicated above, the remaining shared garden area would be sufficient to serve the needs of the existing and proposed HMO occupiers, particularly given that the annex would not result in an increase in occupants overall.
13. In respect of adjoining occupiers, whilst the annexe building would be sited close to the boundaries of both 93a Stockingstone Road and 113 Colin Road, as both boundaries are marked by blank elevations, there would be little opportunity for any direct impacts. The use of the annexe would introduce some additional 'comings and goings' to the rear of the garden area but these impacts would be limited given the occupancy level.
14. Overall, the proposed annexe would not result in any unacceptable harm to the living conditions of either future occupants or the occupiers of adjoining properties. It would thus comply with LP Policies LLP1 and LLP25 which seek sustainable development that is of high quality design which avoids adverse amenity impacts and delivers housing in accordance with relevant standards. For the same reasons it would also satisfy relevant policy within the Framework.

Conditions

15. In addition to the standard time condition, a condition to relate to the approved plans is necessary in the interests of clarity and proper planning. As suggested by the Council, a condition to secure matching materials is also necessary in the interests of the visual amenity of the area. The Council has also suggested a condition to ensure that the annexe is only occupied in connection with the existing HMO on the site. For the reasons set out above I agree that this is necessary though I have slightly re-worded it to require the internal works to the top floor of

the existing building to be completed prior to its occupation to ensure that the maximum number of occupants is not exceeded.

Conclusions

16. It is therefore concluded that this appeal should be allowed and planning permission granted.

P B Jarvis

INSPECTOR