



Appeal Decision

Site visit made on 5 August 2025

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 18 August 2025

Appeal Ref: APP/A1910/W/25/3365303

Dunelm, 40 Pancake Lane, Hemel Hempstead, Hertfordshire HP2 4NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Ian McLaughlin against the decision of Dacorum Borough Council.
 - The application Ref is 25/00179/FHA was approved on 28 March 2025 and planning permission was granted subject to conditions.
 - The development proposed is the Construction of Granny Annexe
 - The condition in dispute is No3 which states that: The proposed outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Dunelm, 40 Pancake Lane; and shall not be independently occupied.
 - The reason given for the condition is: For the avoidance of doubt and to ensure that the use of the development remains ancillary to the use of the main dwellinghouse without allowing the intensification of residential accommodation within the site and to restrict the use of the property in that it has been screened out as having a likely significant effect to the Chilterns Beechwood SAC in accordance with CS1, CS4, CS8, CS11, CS12 and CS29 of the Dacorum Borough Core Strategy (2013) and the National Planning Policy Framework (2023)
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether condition 3 is necessary and appropriate, having regard to the independent occupation of the granny annexe.

Reasons

3. The appeal site is located within a residential area of Hemel Hempstead, specifically within the back garden of the main dwelling. Pancake Lane is characterised by a generally consistent pattern of housing, where properties are set back from the road and benefit from long, narrow rear gardens. The appeal site follows this pattern, with a garden that extends significantly to the rear. Planning permission has been granted for the construction of a granny annexe, intended to serve as a home office for a counselling business (with limited client visits: 2-3 clients, 2-3 times a week, sole part-time employee, no group sessions) and as occasional guest accommodation for friends and family. At the present time, the annexe building has not been constructed and the land to the rear of the main house serves as a garden.
4. The annexe would, if constructed, be positioned approximately 22 metres from the main dwelling, centrally located within the garden. It would feature windows facing onto the shared amenity space. The plans indicate that the annexe would include facilities such as a shower, toilet, kitchen/sink, and larger rooms capable of

functioning as a living area and bedroom. The appellant has confirmed that utility services (gas, electricity), the garden, and the driveway would be shared with the main house, indicating a high level of daily interaction between the two buildings.

5. There is a rear lane situated behind the main dwelling, providing a connection to Westwick Row. Interested parties claim that this lane is privately owned by the ten cottages in Westwick Close, and that the appeal property does not benefit from any legal right of access. Additionally, a public footpath runs adjacent to No. 42 Pancake Lane and links to this rear lane. The site plan indicates that the red line boundary extends only to the end of the garden and does not encompass any part of the rear lane. As such, I am satisfied that the rear lane lies outside the site boundary. However, it remains unclear whether the appellant has any legal right of access to this lane, and no clear evidence has been provided to confirm such a right.
6. The appellant seeks to remove the condition attached to the permission, to enable them to let out the granny annexe to provide an income for their retirement. However, this proposed use would constitute a material change from ancillary accommodation to a separate, self-contained residential unit. Such a change would introduce a range of planning considerations, which require careful assessment to determine whether Condition 3 continues to meet the relevant tests of being necessary, relevant to the development to be permitted and reasonable in all other respects.
7. Policy CS1 of the Dacorum Core Strategy 2013 ('CS') places emphasis on the maintenance of the existing neighbourhood pattern. Policy CS11 of the CS promotes quality neighbourhood design, requiring development to respect the typical density intended in an area and enhance spaces between buildings and general character. Policy CS12 of the CS requires development to integrate with the streetscape character. Along this part of Pancake Lane, that pattern, density and streetscape character is defined by residential dwellings with long, narrow rear gardens, typically containing only modest ancillary outbuildings. The proposed development would disrupt this established character and density of residential occupation by introducing a form of residential backland development for which there is no clear precedent in the area. Accordingly, the scheme, as a separate and independent dwelling, would appear out of keeping with its surroundings and would undermine the prevailing character of the locality.
8. Policy CS4 of the CS states that in residential areas appropriate residential development is encouraged and that ancillary uses will be acceptable and protected, provided that they support the primary function of that area. In this case, the proposed development would no longer function as an ancillary use, as it would operate independently from the main dwelling. As such, it would cease to support the primary role of the garden as amenity space for the host property, nor would it facilitate a high level of daily interaction between the two buildings. Accordingly, this undermines the intended relationship between the annexe and the main dwelling and strongly indicates that it would not be appropriate residential development.
9. Policy CS8 of the CS requires all new development to contribute to a well-connected and accessible transport system. Among its principles are to ensure good access for people with disabilities and provide sufficient, safe and convenient parking based on car parking standards. There appear to be two potential access

points to the proposed development: through the main dwelling and via the rear lane. Given the independent nature of the annexe, it is unlikely that access would be routinely provided through the main house, and no evidence has been submitted to suggest otherwise. Regarding rear access, while it is physically possible for individuals with disabilities to use the rear lane, there is insufficient information regarding the surfacing, width, and overall suitability of the path leading from the lane to the annexe. Furthermore, it is uncertain whether any parking spaces would be available via the rear lane, notwithstanding the unresolved concerns about legal access rights. As such, the proposal fails to demonstrate that it would meet the appropriate accessibility and parking requirements.

10. Policy CS9 of the CS requires the incorporation of at least one new tree per dwelling. Notwithstanding that the appeal site is located within a garden where existing vegetation already exists, including trees, there is no evidence before me that a new tree would be provided by the proposed development. Accordingly, the proposed development would fail to comply with the highest standards of sustainable design and construction.
11. The National Planning Policy Framework ('Framework') seeks to achieve well designed places. Specifically, paragraph 135 requires planning decisions to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Any future occupiers would remain dependent on shared facilities, such as the garden, and would be subject to a high level of daily interaction with the main dwelling, given the annexe's siting within the rear garden and its close proximity to the host property. The rear elevation of the main house directly overlooks the annexe, raising further concerns about the adequacy of privacy for future occupiers. In the absence of clear information on how privacy and amenity would be safeguarded, I am not satisfied that the proposed use would meet the expectations of the Framework in delivering a high standard of amenity for future occupiers.
12. The provision of an additional unit of residential accommodation would make a small contribution towards housing supply. The proposal would result in economic benefits through its construction and future support for local services and facilities by occupiers of the development. It would be well located in terms of accessibility to local services and facilities. However, considering the scale and nature of the proposed development, these benefits are relatively limited, and would not outweigh the harm I have found.
13. Overall, having considered all other matters raised, the proposal to use the permitted annexe as a separate unit would harm the established character of the area, and provide a poor standard of accommodation and access. It follows that I consider that the condition remains necessary and appropriate, having regard to the independent occupation of the granny annexe. It is also relevant to the development permitted and is reasonable in all other respects. Accordingly, the condition continues to serve an important planning purpose. I find that the proposal to remove the condition would be contrary to the development plan read as a whole and there are no material considerations to outweigh that conflict.

Conclusion

14. For the reasons given above the appeal should be dismissed.

S Lo

INSPECTOR