



Appeal Decision

Site visit made on 21 August 2025

by **Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 September 2025

Appeal Ref: APP/B0230/D/25/3368756

38 Vincent Road, Luton LU4 9AW

- 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 Costin Opris against the decision of the Luton Borough Council.
 - The application Ref is 25/00382/FULHH.
 - The development proposed is the removal of chimney, extension of existing garage and conversion into a gym/playroom and an office with bathroom to be used by the residents of the property.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of chimney, extension of existing garage and conversion into a gym/playroom and an office with bathroom to be used by the residents of the property at 38 Vincent Road, Luton LU4 9AW in accordance with the terms of the application, Ref 25/00382/FULHH, 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: 01
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing buildings.

Main Issues

2. The main issues are:
 - The effect on the character and appearance of the appeal dwelling and that of the local area;
 - Whether the proposal would be incidental to the enjoyment of the dwelling house; and
 - The effect on living condition of occupiers with reference to amenity space.

Reasons

Character and Appearance

3. The appeal dwelling is a detached chalet bungalow located on the corner of the junction of Vincent Road with Finsbury Road. This is set back slightly from the

street behind a short wall with hedge to the highway boundary in front of the dwelling, with a taller wall, approximately 1.6 metres in height, between the appeal dwelling and hard paved apron to its separate garage. This garage is adjoined to that of 36 Vincent Road (No.36). These adjoined garages sit between these neighbouring dwellings and are set back from the street, aligning with the front wall of the appeal dwelling and that of No.36.

4. The proposed alteration, extension and conversion of the garage would involve replacing the existing garage door with a window, matching the existing windows in the appeal dwelling. The garage would be extended by way of a single storey flat roofed wrap around extension to the full width of its flank and rear elevations, with its height matching that of the garage's flank elevation.
5. The views of the proposed extension from the public domain would be limited to that top part of the flank extension that would be visible above the taller wall between the appeal dwelling and the garage. The proposal would be more visible in rear views from neighbouring properties fronting both Vincent and Finsbury Roads. However, in these views from the private domain, the proposed extension would be seen in conjunction with garages and other single storey garden structures and sheds.
6. Given the relatively modest scale of the proposal, the proposed flat roof, matching materials and the substantial screening from street views, the proposal would have a minimal presence, either in relation to the appeal dwelling or the streetscene of the local area. In these views it would read as a recessive, secondary and subordinate addition to the appeal dwelling.

Incidental to the Enjoyment of the Dwelling House

7. The description of the development with the original refused application that is the subject of this appeal, includes identifying the use of the altered, extended and converted garage to a gym/playroom and an office with bathroom to be used by the residents of the property. For the proposed extension and conversion of a garage to living space, there does not appear to be any underlying reasons as to why such a proposal of this modest scale would require a detailed justification of need. The proposal is for an extension and conversion to accommodate minor and subordinate uses incidental to the enjoyment of the dwellinghouse, which have been set out by the appellant in the description of development of their original application.
8. Whilst the proposed extension and conversion of the existing garage would create a ground floor space equivalent to that required in the National Space Standards (2015) for a single bedroom dwelling, the proposal before me is not for such a separate dwelling. This would require a different planning approval to that sought. The extension and conversion of the garage, in the manner proposed, would create additional living space as an extension to an existing dwelling and not either an annexe with bedroom or a separate dwelling.
9. I have, therefore, only afforded minimal weight to the similarity in floorspace of the proposal to the minimum requirement for a single bedroom dwelling. As such, I find, for the reasons given above, that the proposal would meet the requirements for an extension that would be used as incidental to the enjoyment of the dwelling house.

External Amenity Space

10. The Council officer's report states that the proposal would reduce the amenity space below the 90sq/m for 3+ bedroom dwellings. Although the extent to which it would be reduced below this level is not stated. In defining the required external amenity space, the council refer to Annexe 6 of the Luton Local Plan 2011-2031 (2017), which sets out external amenity space standards for new dwellings. The appeal dwelling is not however a new dwelling, but for an extension of living space of an existing dwelling. I further note that Annexe 6 indicates that an amenity space not below 45sq/m may be acceptable, depending on the character and appearance of the area and the design of a new house. As the proposal relates to an existing dwelling, I have only afforded the requirements set out in Annexe 6 limited weight in this instance, and only so far as it is an indicator of acceptable levels of external amenity space in general terms.
11. The proposed extension would marginally reduce the external amenity space of the appeal dwelling, but as this is confined to narrows strips to the rear and side of the garage that are not of high amenity value, this would have a minimal effect on the amenity provided by the garden to the appeal dwelling. As such, I do not find that the reduction in available amenity space to occupiers would result in any significant loss of amenity provided by the gardens and spaces that wrap around the detached appeal dwelling.
12. For the reasons given above, I find that the proposal would constitute a development that would be incidental to the enjoyment of the dwelling house, would result in no harm to the character and appearance of the appeal dwelling or that of the local area, and would not result in any significant harm to the living conditions of its occupiers. As such, it would accord with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2011-2031 (2017) and Section 12 of the National Planning Policy Framework (2024) (the Framework). Collectively these seek development, including by extension, that would be ancillary in scale, of high quality design, preserve the character of an area and accommodate living requirements.

Conditions

13. I have had regard to the Council's suggested conditions should I be minded to allow the appeal. I have not attached the conditions regarding the creation of a sperate dwelling and retention of the appeal dwelling as a single planning unit, as such changes would require a planning permission that would allow the Council to have oversight of any such proposal and this is not what is proposed in this instance. As such these suggested conditions are not necessary and fail the requirements for conditions set out in Paragraph 58 of the Framework.
14. Along with the standard condition relating to the timing of implementation, in the interests of design quality, I have attached conditions requiring adherence to approved plans and matching materials.

Conclusion

15. For the reasons given, the appeal is allowed.

Victor Callister

INSPECTOR