
Appeal Decision

Site visit made on 22 August 2016

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 October 2016

Appeal Ref: APP/B0230/W/16/3150114

10 Kendale Road, Luton, Bedfordshire LU4 0DE

- 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 Mr Stephen Enticknap against the decision of Luton Borough Council.
 - The application Ref 16/00160/FUL, dated 1 February 2016, was refused by notice dated 25 April 2016.
 - The development proposed is change of use of a 6-bed House of Multiple Occupation (C4) to a 7-bed House of Multiple Occupation (Sui Generis).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character of the area.
 - The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to noise and general disturbance.
 - Whether the proposal provides acceptable living conditions for future occupiers, with particular regard to internal space.

Reasons

Background and the appeal site

3. This appeal follows the refusal of planning permission for the change of use from a dwelling house to an 8-bed House in Multiple Occupation ('HMO') and the dismissal of a related appeal in November 2015¹. I have had regard to this decision in the determination of this appeal.
4. I agree with the findings of the Inspector in 2015 that the appeal property is at the end of a quiet cul-de-sac comprising several pairs of semi-detached houses of varied design and appearance and that the end of Kendale Road is fenced and behind lies open ground populated with trees and hedges adding to its quietude. It was evident that the property was in use as a HMO and had six bedrooms along with a study, storage room and a large communal kitchen, dining and living area.

¹ APP/B0230/W/15/3025113

Character of the area

5. In my view, the character of the area remains one of predominantly single family accommodation. Despite the reduction in the number of bedrooms from eight to seven, even one additional bedroom would be likely to increase the levels of comings and goings from what are likely to be separate work, shopping, leisure and other trips. Furthermore, those vehicles associated with the additional bedroom, that could not park off-street would be forced to park in what is a limited turning space at the head of Kendale Road, resulting in an increase in vehicles parked on the street and associated movements and manoeuvres. This would be at odds with the quiet character of the street.
6. For these reasons, the proposal would cause harm to the character of the area and in my judgement, the proposal is the very type of intensification that the Council's policy on residential conversions seeks to resist in order to retain family accommodation and protect local character. Accordingly, the proposal would conflict with Policy H2 of the Luton Local Plan ('LP') which, amongst other things seeks to ensure that the conversion of dwellings to HMO's does not adversely affect the character of the area.

Living conditions of neighbours

7. I note that there would only be four vehicle spaces on the driveway of the property and in the absence of restrictions on highway parking there would be no control over the numbers of vehicles used by occupants of the appeal property. Moreover, at times when the turning head outside the appeal property is likely to be parked with vehicles it would be challenging to manoeuvre vehicles on and off the driveway and within the immediate vicinity of the property.
8. Whilst there are no objections from neighbouring occupiers, nevertheless, taking into account the likely patterns of activity associated with even one additional bedroom and associated visitors, this would result in additional noise and disturbance from general comings and goings and noise from vehicle engines and the opening and closing of vehicle doors, in what is a quiet residential area.
9. For these reasons, the proposal would cause harm to the living conditions of neighbouring occupiers in terms of noise and general disturbance. The proposal would therefore conflict with Policies LP1 and H2 of the LP which require development to maximise the opportunity to improve the quality of life of residents and allow conversions where there would be no unacceptable effect on existing residents by way of noise or disturbance. The proposal would also conflict with the National Planning Policy Framework's ('the Framework') objective of seeking to secure a good standard of amenity for existing occupiers.

Living conditions of future occupiers

10. Turning to the issue of internal space, the Council is concerned that bedroom 7 is affected by comings and goings given its location and is cramped. The Council do not refer to any space standard policy, as it is required to do by Paragraph 018 of the National Planning Policy Practice Guidance² and I note that the Council have not objected to this previously.

² Paragraph 018 Reference 56-018-20150327

11. Whatever the case may be, I found the bedroom to be of a satisfactory size, with outlook onto the garden and with an adequate light source. It did not feel cramped or substandard. Whilst there would be a level of disturbance from use of the utility cupboards and laundry, which are outside the room, the entrance to the kitchen diner is further along the entrance hall and I do not consider that the accommodation would be unacceptable because of its size or location within the property.
12. For these reasons, the proposal would provide acceptable living conditions for future occupiers in terms of internal space and would not conflict with the LP or the Framework, in this regard.

Other Matters

13. I note that no objections have been received, that the appellant considers the conversion is of a high quality, has adequate amenity space and is managed and maintained by a management company. Furthermore, that the appellant considers both locally and nationally there is a general housing shortage and that the development is in full compliance with the Building Regulations in terms of soundproofing.
14. Nevertheless, the relevant policies of the LP seek to balance the need to deliver a wide variety of housing against the need to protect the character of the environment and the living conditions of residents. In my judgement, the limited economic and social benefits from the provision of one additional bedroom and such considerations do not outweigh the harm to the character of the area and living conditions of neighbouring occupiers that I have identified. Accordingly, such matters do not alter my findings in relation to the first and second main issues.

Conclusion

15. Although I have found that the proposal would provide acceptable living conditions for future occupiers, I have found harm to the character of the area and the living conditions of neighbouring occupiers. In my view these are the prevailing considerations and the proposal would conflict with the development plan, when read as a whole and the Framework. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR