
Appeal Decision

Site visit made on 28 November 2016

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 06 December 2016

Appeal Ref: APP/B0230/W/16/3156471

1 Summerfield Road, Luton, Bedfordshire LU1 1UH

- 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 B Ahmed against the decision of Luton Council.
 - The application Ref 16/00672/FUL, dated 14 April 2016, was refused by notice dated 15 June 2016.
 - The development proposed is for conversion of a dwelling house to 2 two bedroom flats.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appeal was due to be considered as an accompanied site visit. However, this was changed to an unaccompanied site visit. I am satisfied that I could view the site from the road and driveway and saw everything I needed to see.

Main Issues

3. The main issues in this appeal are the effects on:
 - (i) the character and appearance of the area;
 - (ii) the living conditions of future occupiers; and
 - (iii) highway safety and convenience with regards to the availability of off-road parking facilities.

Reasons

Character and appearance

4. The appeal property is an end of terrace two storey house, which has been extended front and rear and within a street of similar terraced properties generally built in groups of four. The appeal proposal would see the creation of two 2-bed flats accessed separately from the ground floor. Space is available for up to two cars at the side and front of the property which has been hard landscaped. The appeal proposal would result in the loss of a single family house in an area characterised by houses.
 5. Externally, there would be minimal alterations limited to the provision of a separate doorway to the flat at ground floor at the rear of the property. Whilst the lack of external alterations of note would minimise the visual effects of the conversion on neighbouring properties, the character and appearance is not
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determined solely in terms of visual matters and the officer's report correctly points to the activities associated with conversions to flats. These include in my experience the comings and goings resulting from increasing the number of households within the building, with the potential for noise and general disturbance to neighbours. For these reasons the proposal would have a significant adverse impact on the character of the area.

6. Summerfield Road is a residential area of post-war housing within reasonable proximity to the town centre. For the most part, the properties appear to be in single family occupation. There is coherence about this aspect of character that makes a positive contribution to the attractiveness of this area for family housing. Whilst the appellant claims that the neighbouring property has been similarly converted to flats, the evidence from the Council suggests that the street remains overwhelmingly one that comprises of single family dwellings. Given the relatively close distance from the town centre, the availability and retention of family dwellings gives further support to the Council's stance that seeks to protect such areas from the cumulative effects that intensification of the number of family houses turned into flats can have on the character of established residential areas, as described above.
7. Consequently, the proposal would be contrary to Luton Local Plan (LLP) Policies H2(d) and LP1 which seek to ensure that new developments do not harm the character and appearance of the surrounding area. This would also be contrary to paragraphs 17 and 58 of the National Planning Policy Framework (the 'Framework') which state that planning should always seek to secure a good standard of amenity including existing occupants of land and buildings.

Living conditions – future occupiers

8. The proposals would see the conversion of the existing rear ground floor area including the extension to provide a kitchen/lounge area, a small bathroom and two bedrooms facing the rear garden (referred to as Flat B). The front of the building together with the entire first floor would be utilised to provide the accommodation for the second flat (referred to as Flat A). The Council has expressed concerns over the stacking between the two flats with the kitchen/lounge to the ground floor flat immediately below the bedrooms to the second flat. Whilst I have no doubt that the flats would be well insulated, this arrangement has the potential to create noise and disturbance to occupiers of the first floor accommodation.
9. The Council has referred to the national technical standards¹ that set out minimum gross internal floor area (GIA) for houses and flats. However, at this juncture the Council is yet to introduce definitive space standards and LLP policies as presently set out seek to ensure that housing schemes maximise opportunities to improve quality of life including by preventing over-intensive forms of development. There is significant potential that the flats would result in cramped and oppressive living accommodation for future occupants.
10. I am also concerned that the lounge/window to Flat B would be naturally lit by way of a small window within the flank elevation. I agree with the Council that this window and position of the intervening kitchen will mean that the lounge area will receive little natural light and have a severe outlook.

¹ Department for Communities and Local Government Technical housing standards – national described space standard March 2015.

11. I therefore conclude that the proposal would not provide acceptable living conditions for future occupiers of either flat. This would be contrary to LLP Policies LP1 and H2 in terms of the size of the units and to LLP Policy ENV9(k) that seeks to maximise solar gain. It follows therefore that I find conflict with paragraphs 17 and 58 of the Framework which state that planning should always seek to secure a good standard of amenity including future occupants of land and buildings.

Highway safety and convenience

12. The Council's standards require 4 off-street parking spaces. Only the one space is available. LLP Policy T3 seeks to ensure that new developments would not exacerbate road congestion or cause safety problems for pedestrians or other road users. Many properties have taken the opportunity to provide off-street parking facilities where this is possible. However it is also clear that many terraced properties are not able to provide off-street facilities or at best can only provide one space. The Highways Authority described the limited amount of on-street parking provision as being oversubscribed.
13. The National Planning Policy Framework (the 'Framework') seeks to maximise public transport, walking and cycling, and advises that parking standards should take account of the accessibility of development and the levels of car ownership. The Written Ministerial Statement (WMS) dated 25 March 2015 highlights that local parking standards should only be imposed where there is clear and compelling justification.
14. In the absence of evidence of a local parking issue, I do not consider that the proposal would result in a material shortage in parking provision in this location. Nor has it been demonstrated that even if there was a material deficiency, it would be bound to have a harmful effect on highway safety. I therefore conclude that the proposal would not be contrary to LLP Policy T3.

Conclusions

15. Although I have found in favour of the proposal in terms of its impact on highway safety, this does not override the harm that I have identified on other main issues. Having regard to the above reasons and all other matters that have been raised, I conclude that this appeal should be dismissed.

Gareth W Thomas

INSPECTOR