The Planning Inspectorate

Appeal Decision

Site visit made on 28 February 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 22nd March 2017

Appeal Ref: APP/B0230/W/16/3161104
137A & B Cowper Street, Luton, Bedfordshire LU1 3SD

- 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 Philip Keegan against the decision of Luton Borough Council.
- The application Ref 16/00851/FUL, dated 12 May 2016, was refused by notice dated 27 July 2016.
- The development proposed is a pair of semi-detached houses.

Decision

1. The decision is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of future occupants of the houses with regards to the provision of external and internal space.

Reasons

3. The appeal site occupies a gap between existing properties and comprises rough undeveloped ground. Planning permission was granted at appeal for this site in September 2011[1] for the development of two flats. The main issue at that appeal related to the effect of development on the character and appearance of the area. Nevertheless, I have had regard to this previous appeal in determining this appeal, given that the overall footprint and scale of the flats development is similar to the proposed development.

4. The rear garden to each proposed house would be clearly under the minimum 45 square metres for houses sought by Appendix 2 of the Luton Local Plan 2001-2011 ('the Local Plan'). The proposed houses would have two separate short and small rear gardens with split levels and retaining walls reducing further the amount of usable space. These gardens would be noticeably smaller than the rear gardens to the existing houses on both sides of the site on Cowper Road.

5. While the flats development allowed at appeal appears to have a similar overall provision of external space at the rear, the occupants of that development would benefit from a larger shared garden. Furthermore, Appendix 2 of the Local Plan seeks a much smaller minimum of external space for flats at 25 square metres per two bedroom unit, noting that flat occupiers generally do

[1] APP/B0230/A/11/2156744

not seek or expect the same level of garden amenity space as house dwellers. I have not been presented with any evidence to indicate that I should deviate from the requirements of the development plan. Therefore, the proposed development would result in harm to the living conditions of future occupants in terms of an inadequate provision of external space for each house.

6. In terms of internal space, the Council and the appellant disagree on whether the proposed development would comprise 2 bedroom 3 person dwellings or 2 bedroom 4 person dwellings. In either scenario, the total internal floor area of each house would be clearly under the amounts specified in the government's Nationally Described Space Standard (NDSS). However, the Written Ministerial Statement of 25 March 2015 makes it clear that the NDSS can only be applied where there is a relevant current local plan policy. I have not been presented with any such policy and consequently cannot apply the standard.

7. Each house would be long and narrow, but individual rooms would be of a sufficient size and shape to accommodate the day to day needs of up to four occupants without being cramped or substandard. There also appears to be little overall difference in terms of the amount of internal space to the flats development allowed at appeal. Thus, the proposed development would not harm the living conditions of future occupants in terms of the provision of internal space.

8. While the internal space provision is sufficient, this does not outweigh the harm that would be caused by an inadequate provision of external space for each house. Therefore, the development would be contrary to Policies LP1 and H2 of the Local Plan which, amongst other things, seek development that improves the quality of life for residents and would not be over-intensive, having regard to the standards for amenity space in Appendix 2. It would also not meet the aims of the National Planning Policy Framework which seeks a good standard of amenity for all future occupants of land and buildings.

Conclusion

9. I note in the appellant's statement that Luton has significant housing need, but the modest benefits associated with the provision of two dwellings do not outweigh the harm that would arise from an inadequate provision of external space. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR