
Appeal Decision

Site visit made on 20 March 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 12 April 2017

Appeal Ref: APP/B0230/W/16/3165531

2 Dallow Road, Luton, Bedfordshire LU1 1LY

- 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 Lateef Adebayo against the decision of Luton Council.
 - The application Ref 16/01263/FUL, dated 11 July 2016, was refused by notice dated 17 November 2016.
 - The development proposed is described in the application as “retrospective planning permission for change of use from single house dwelling into two flats and an additional wc/shower on the ground floor with its own window.”
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from single house dwelling into two flats and an additional WC/shower on the ground floor with its own window at 2 Dallow Road, Luton, Bedfordshire LU1 1LY, in accordance with the terms of the application, Ref 16/01263/FUL, dated 11 July 2016, and the plans numbered A101 and titled Pre-existing and A101 and titled Existing.

Procedural Matter

2. The submitted plan A101 titled Existing shows the property divided into two self-contained flats, and the development has been carried out. The Council has dealt with the application as proposed, and as I cannot be certain that the development has been carried out exactly in accordance with the plans as submitted, for the avoidance of doubt I have determined the appeal on the basis of the submitted plans, omitting reference to retrospective planning permission in the application description and formal decision.

Main Issues

3. The main issues in the appeal are:
 - The effect of the proposal on the character and appearance of the surrounding area;
 - The effect of the proposal on the living conditions of surrounding occupiers with regard to noise and disturbance; and
 - Whether the development, in relation to the internal layout of Flat 1, would provide satisfactory living conditions for existing and future occupiers.
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Reasons

Character and appearance

4. The appeal property is a two storey end-terrace building, situated within a predominantly residential area, with an area of open space on the south side of Dallow Road.
5. Policy H2 (d)(i) of the Luton Local Plan (LP) (2006) requires that development should not adversely affect the character of the area. The change of use has been undertaken and there are no external alterations. The entrance for Flat 1 is within the side elevation and is what appears to be the original entrance for single family dwelling with an entrance hall and living room at ground floor level and the kitchen, bedrooms and two bathrooms at first floor level. A separate entrance for Flat 2 is provided behind a 2m high wooden fence and gate. As the change of use from a single dwelling house to two self-contained flats is not immediately obvious when viewed from the street, the development has no discernible effect on the street scene.
6. Furthermore, as the appeal property is considerably larger than other properties within the subject terrace, the development is not likely to be replicated by similar proposals in the vicinity. In any case there are other flat conversions in the area, for example on Brantwood Road.
7. I therefore conclude that the proposal would not harm the character and appearance of the area, and thus it would not be contrary to LP Policy H2.

Living conditions of surrounding occupiers

8. LP Policy H2 (d) (ii) requires that developments have no unacceptable effect on residents in relation to noise and disturbance. The development results in one additional residential unit within a largely residential environment. There have been no complaints of noise and there is nothing before me to indicate that one additional unit would result in a significant increase in noise and disturbance for surrounding occupiers.
9. I conclude that there would be no harm to the living conditions of neighbouring occupiers by reason of noise and disturbance. As such there would be no conflict with LP Policy H2 (d) (ii).

Living conditions of existing and future occupiers of Flat 1

10. The Council are concerned with the internal layout of Flat 1. A bathroom consisting of a shower, washbasin and toilet can only be accessed via the main bedroom. However, there is a main bathroom accessed from the landing that may be used by the occupants of the second bedroom, and as the en-suite facilities are in addition to the main bathroom, the flat would provide satisfactory living accommodation in relation to the internal layout. Consequently I find no conflict with LP Policy LP1, which requires development to improve the quality of life for residents.

Conclusion

11. For the reasons set out above I conclude the appeal should be allowed.

Claire Victory INSPECTOR