
Appeal Decision

Site visit made on 11 April 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 26 April 2017

Appeal Ref: APP/B0230/W/16/3166238

4 Avondale Road, Luton LU1 1DJ

- 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 Sageer Ahmed against the decision of Luton Council.
 - The application Ref 16/01399, dated 1 August 2016, was refused by notice dated 7 October 2016.
 - The development proposed is conversion and change of use of existing dwelling to 2 one bedroom and 1 two bedroom flats. Construction of rear dormer and retrospective planning permission for the erection of single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The single storey rear extension has been constructed without the benefit of planning permission and the Council has included this element of the scheme in the description of development as set out in the decision notice. As this element is included within the appeal proposal I have adopted that description in place of the one used in the original application form.

Main Issues

3. The main issues are the effect on the character and appearance of the area and on the living conditions of the occupiers of neighbouring properties by reason of noise and disturbance.

Reasons

Character and appearance

4. No permissions have been granted for the change of use of family houses in Avondale Road into self-contained flats although a number of dwellings in nearby Hazelbury Crescent have been converted for such use. There are two purpose built apartment buildings on the south west side of Avondale Road and educational and community uses towards the opposite end of the street. Although it could potentially result in some increase in the general level of activity compared to the use of the property as a single family home, I do not consider that the proposed use would be out of character given the existing mix of uses and types of accommodation within the street.
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5. Roof lights are proposed at the front of the dwelling but these would not be out of place as other nearby properties have such windows. Being largely hidden from public view the rear extension and rear dormer would not be detrimental to the character and the appearance of the dwelling or the street scene. I therefore find that the proposal would not cause any material harm to the character and appearance of the appeal property or the surrounding area and that no policy conflict would arise in respect of these matters.

Living conditions

6. What is now a single family home would be occupied by 3 separate households and the number of bedrooms would be increased from 3 to 4, leading to an increase in the number of people living in the property. The pattern of movements generated by 3 separate households is likely to be quite different to that of members of a single family. In my view the proposal would represent an intensification in the use of the dwelling and result in a significant increase in the number of comings and goings.
7. The resultant noise from the opening and closing of the front door, the chatter of people as they come and go, and the likely car movements associated with those comings and goings would give rise to unacceptable noise and disturbance to the occupiers of the neighbouring dwellings. The introduction of separate flats at the first and second floor levels would also lead to a material increase in the use of the stairs at all times of the day with resultant noise and disturbance to the occupiers of number 6 Avondale Road. These changes would increase the noise and disturbance to the neighbouring occupiers above an acceptable level.
8. The creation of living accommodation, including sitting areas and kitchens, on the first and second floors would introduce new sources of noise in the immediate proximity to bedrooms within the adjoining houses but I accept that noise insulation to the party walls could be required as part of the Building Regulations approval. It would also be possible, through that process, to ensure satisfactory insulation of the floors to the 2 kitchen areas proposed above the front bedroom to Flat 1. The Council raises no objection to the rear extension or rear dormer and I saw no evidence on my site visit that these elements of the appeal proposal would give rise to any adverse effects on the living conditions of the occupiers of the adjacent houses.
9. In summary, I find that the intensification of use and the increased comings and goings resulting from the proposal would cause unacceptable harm to the living conditions of the occupiers of Nos. 2 and 6 Avondale Road by reason of noise and disturbance. The proposal would therefore conflict with Policy H2 of the Luton Local Plan (2006) (Local Plan) which states that planning permission will be granted for the conversion of dwellings into flats provided that there would be no unacceptable effects on new or existing residents by way of noise and disturbance. It would also conflict with Policy LP1 insofar as that policy seeks to preclude development that would fail to maximise the opportunity to improve the quality of life for residents.

Other Matters

10. Two of the three flats proposed would fail to meet the minimum space standards set out in the Department for Communities and Local Government's

Technical Housing Standards' (THS). The Written Ministerial Statement issued on 25 March 2015 states that such standards can only be applied where there is a relevant current local plan policy. Although the Council proposes to include the THS in the emerging replacement local plan they do not currently form part of any adopted plan for the area.

11. Although the national standards cannot be applied on a mandatory basis a core planning principle of the National Planning Policy Framework is to ensure a good standard of living conditions for all existing and future occupants and this principle is reflected in Local Plan Policy LP1. The amount of internal living space provided is an important factor in determining whether a good standard of living conditions is achievable and the proposal would fall short in that regard. For this reason, and because of the harm that would be caused to the living conditions of the neighbouring residents, the proposal would not constitute sustainable development.
12. The rear extension complies with the requirements of Local Plan Policy H4 and I accept the Council's conclusions that no conflict would arise with Policy T3 in relation to highway and parking matters. However, in view of the conflict with Policies H2 and LP1, I find that the proposal would conflict with the development plan as a whole. The proposal would make a small contribution to increasing the supply of housing in this part of Luton but that would be a modest benefit that would not be sufficient to outweigh the harm caused or the resultant development plan conflict.

Conclusion

13. For the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Paul Singleton

INSPECTOR