
Appeal Decision

Site visit made on 14 June 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 22 June 2017

Appeal Ref: APP/B0230/W/17/3170917
7 Midland Road, Luton LU2 0HS

- 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 S Khan of Chicken & Spice against the decision of Luton Council.
 - The application Ref 16/01577/FUL, dated 1 September 2016, was refused by notice dated 9 November 2016.
 - The development originally proposed was erection of a second floor extension to provide additional B1 office accommodation.
-

Decision

1. The appeal is allowed and planning permission is granted for a second floor extension to provide additional B1 office accommodation and existing extraction system to be increased in height at 7 Midland Road, Luton LU2 0HS in accordance with the terms of the application, Ref 16/01577/FUL, dated 1 September 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 7MR/OS, 7MR/BP, 7MR/01 7MR/02, 7MR/03, 7MR/04, 7MR/05, 7MR/06, 7MR/07, 7MR/08 and 7MR/09.
 - 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
 - 4) No development shall take place until details of the appearance of the extraction system have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.

Preliminary matter

2. The submitted plans and the description of development on the application form made no reference to an increase in the height of the existing extraction flues. However this was included in the description of the development given on the Council's decision letter and by the appellant on the appeal form. As such I have included it in the description of the development granted planning permission.
-

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area including the setting of the adjacent High Town Conservation Area (HTCA).

Reasons

4. The site is within the centre of Luton. It is positioned at the end of a pedestrian bridge that links Luton train station to the commercial area of High Town to the north. Immediately adjacent to the site is Luton station car park which is a tall imposing building of around six storeys and clad mostly in grey metal panels. The part closest to the appeal site is its stairwell which is glazed and around a storey taller.
5. The existing building on site is two storeys and this reflects the heights of the other nearby commercial buildings focussed around the junction of Midland Road and High Town Road. The properties around this junction are within the HTCA. Further east along Midland Road, outside the HTCA, there are some larger buildings which are three storeys or higher.
6. Notwithstanding the single storey modern extension built at the back of the public house opposite the site, the materials and design of the existing building at the appeal site distinguishes it from the other older buildings in the HTCA. This distinction contributes to the significance of the HTCA's setting. Also its separation from the HTCA by Midland Road and the footbridge means the site has, in my view, a stronger visual relationship with the car park than with the other nearby buildings.
7. From within the HTCA, in the Midland Road street scene, and from the footbridge, the extension would be seen in the context of the large mass of the car park. In that setting the extension would appear subservient and not incongruous. I recognise that the footbridge is a gateway into High Town from the station, however the Council's High Town Masterplan advises that there is potential for buildings of between four and six stories at the gateway formed by Luton Station and High Town Road. As such the proposal would not conflict with this advice.
8. Also, though the existing building on site fits tightly on its plot, the extension would only be above part of the building, and I do not consider the resultant structure would appear disproportionate with its plot.
9. Three existing extraction flues are visible from the footbridge, but they are mostly obscured by the car park building and the increase in their height to correspond to the increase in the height of the building would be unlikely to have any material effect on the appearance of the building. However as there are no details of these flues on the submitted plans it would be appropriate to secure such details by a planning condition.
10. A large tree set in the pavement along Midland Road overhangs the site very slightly. As the tree is largely to the east of the building, and as no windows are proposed on that facing elevation, it is unlikely there would be strong pressure for future pruning. However it may need some minor pruning to facilitate the extension. Nevertheless, I have no evidence before me to suggest that any such pruning would harm the vitality or appearance of the tree.

11. Consequently, I do not consider the development would harm the character and appearance of the area, including the setting of the HTCA. It therefore would not conflict with Policy ENV9 of the Luton Local Plan (LLP) which, among other things, requires development to respect the scale and proportion of existing buildings. It would also comply with Policy CA1 of the LLP which requires development in the central area to maintain its role as an attractive focal point, and Policy LP1 of the LLP which requires proposals to accord with all the other policies of the LLP. It would accord with the High Town Masterplan as set out above.

Conditions

12. In accordance with the advice in the Planning Practice Guidance and the National Planning Policy Framework I have imposed the standard condition relating to the commencement of development and a condition specifying the relevant plans in order to provide certainty.
13. I have also attached conditions relating to finishing materials and the extraction system in the interests of preserving the character and appearance of the area. These conditions require compliance prior to the commencement of development so that the effects of the proposal are properly managed in order to make it acceptable.

Conclusion

14. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

Andrew Owen

INSPECTOR