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## Appeal Decision

Site visit made on 3 July 2017

**by I Radcliffe BSc(Hons) MRTPI MCIEH DMS**

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

**Decision date: 14<sup>th</sup> July 2017**

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**Appeal Ref: APP/B0230/W/16/3166304**

**22 Kenilworth Road, Luton LU1 1DQ**

- 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 Amjid Pervaiz against the decision of Luton Council.
  - The application Ref 16/01597/FUL, dated 4 September 2016, was refused by notice dated 15 November 2016.
  - The development proposed is the change of use of a single dwelling into one two bed flat and one one bed flat.
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### Decision

1. The appeal is allowed and planning permission is granted for the conversion and change of use of a single dwelling into 1 two bed and 1 one bed flats at 22 Kenilworth Road, Luton LU1 1DQ in accordance with the terms of the application, Ref 16/01597/FUL, dated 4 September 2016, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plan 1265 A.102
  - 3) Notwithstanding condition 2, no development shall take place until revised details for refuse bin and cycle storage have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

### Procedural matter

2. The description of the development that appears on the decision notice and on the appeal form is 'conversion and change of use of single dwelling to 1 two bed and 1 one bed flats.' I am content that this description adequately describes the proposal and I shall use it in the determination of this appeal.

### Main Issues

3. The main issues in this appeal are;
  - the effect of the proposed conversion and change of use on the character of the area; and,
  - whether the proposed development would provide adequate living conditions for neighbouring residents and future occupiers of the proposed flats in terms of noise and disturbance.

## **Reasons**

### *Character*

4. Kenilworth Road is a residential street of terraced housing with attractive architectural features such as double height bay windows and carved window heads. It is in an accessible location close to services and facilities on Dunstable Road and the centre of Luton.
5. The large majority of houses are occupied as single family dwellings, although I saw at least one example of a house that had been converted into two flats. The proposed conversion and change of use of No 22 to flats would result in the house being lived in by two separate households. However, the number of bedrooms provided in the building would reduce from four to three. Therefore, whilst there may be an increase in general activity associated with the proposed use of the building by two households, this would be offset somewhat by the reduction in the number of people who could live within it. In my view, there is no basis for assuming that residents of flats are more likely to behave in an anti-social manner than occupants of a house.
6. No external alterations to the building are proposed other than for the storage of bins and bicycles. These are shown on the submitted drawings as being located to the front of the house. Such items could clutter the front of the building and detract from the character of the area. In the case of bicycles such storage could also be insecure. However, I am satisfied that this could be dealt with by a suitably worded condition.
7. For the reasons given above, and because the road is in a busy area sandwiched between the thoroughfare of Dunstable Road and Luton Town Football Club, I find that the proposed change of use would not adversely affect the busy urban character of the surrounding area. The proposed development would therefore comply with policy H2 [D] (i) of the Luton Local Plan which seeks to prevent harm in this regard.

### *Living conditions*

8. The change of use would result in the creation of a living room and kitchen at first floor level next to bedrooms in neighbouring houses. The front bedroom in the first floor flat would also be located above the living room of the ground floor flat. Such arrangements increase the potential for noise disturbing sleep. However, this matter is dealt with by Building Regulations which require that noise insulation is installed between different units of accommodation when a house is converted into flats.
9. I therefore conclude that the proposed development, in terms of noise and disturbance, would provide acceptable living conditions for neighbouring residents and future occupiers of the proposed flats. It would therefore comply with policy H2 [D] (ii) and policy LP1 of the Local Plan which seek to prevent such harm. It would also comply with a core planning principle of the National Planning Policy Framework which seeks a good standard of residential amenity for existing and future occupants of buildings.

## **Other matters**

10. The first floor flat with two bedrooms is family sized accommodation. Although there is no direct access to the communal rear garden from the first floor, there is a passageway along the side of the house that gives access. I therefore find that satisfactory amenity space provision and access would be provided.

11. The Nationally Described Space Standard (NDSS) published by government as part of its Technical Housing Standards sets minimum internal space standards for new dwellings. However, the NDSS only applies in those local planning authority areas where it has been adopted by a local plan policy that explains how it will be applied. In this case there is no such policy. Therefore whilst the NDSS is a material consideration, I attach limited weight to it. For this reason, and as the floorspace of the proposed flats falls just below the NDSS standard, I find that the flats would have an acceptable floor space.
12. The Strategic Housing Market Assessment carried out in 2015 identified that the greatest housing need is for three bedroom dwellings. The proposed development would result in the loss of a four bedroom family house. However, the development plan is supportive of the conversion of houses into flats and the proposal would result in the loss of only one large dwelling. Consequently, I attach little weight to this consideration against the proposal.
13. The Council states that the grant of planning permission would set a precedent for other similar developments. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.

### **Conclusion**

14. For the reasons given above, and having regard to all other matters raised, the appeal should be allowed.
15. I have imposed a condition specifying the relevant drawing as this provides certainty. In order to prevent the open storage of bins and bicycles cluttering the front of the house and detracting from the character of the area, revised storage details are required. I have required this by condition.
16. The Council has suggested a condition requiring a management plan for all external and shared / common areas. However, in the absence of a reason for this condition, and given the small scale of the proposed development, this condition is unnecessary.

*Ian Radcliffe*

Inspector