
Appeal Decision

Site visit made on 14 November 2017

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2018

Appeal Ref: APP/B0230/W/17/3179823
60 Hastings Street, Luton LU1 5BE

- 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 R Gohil against the decision of Luton Council.
 - The application Ref 17/00404/FUL, dated 27 February 2017, was refused by notice dated 15 May 2017.
 - The development proposed is conversion of existing basement to 1 bedroom self contained flat.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the determination of the application the Council has adopted The Luton Local Plan 2011-2031 (LP). The Council has advised that Policies LP1, ENV9 and H2 have now been replaced. I have therefore considered the proposal against the relevant policies of the new LP.

Main Issue

3. The Council's reason 2) for refusing the planning application, as set out in its Decision Notice dated 15 May 2017 relates to inadequate amenity space provision. However, the Council has since confirmed that based on Appendix 6 of the new LP the current scheme is able to achieve the Council's revised amenity space requirements and therefore this is no longer contrary to the adopted policies.
4. Accordingly, the main issue is the effect of the proposed development on the living conditions of future occupiers in respect of daylight and outlook.

Reasons

5. The appeal relates to the below ground level basement of a building on the corner of Hastings Street and Dumfries Street, which has been extended and converted in to flats with a communal amenity area.
6. The proposal would result in the creation of a modest single bedroom basement flat. This would be accessed via an internal staircase from the ground floor communal entrance to the building. The proposed accommodation would comprise a bedroom with a bathroom off this and a further kitchen/living area, which would all be accessed off a hallway.

7. Serving the bedroom would be two windows, which would mostly be submerged below the pavement level and located in close proximity to and facing towards existing retaining walls. These windows would largely receive daylight from the pavement level light wells.
8. The kitchen/living area would also have a similar window arrangement to those of the bedroom at one end of the room and a further set of fully glazed French doors at the other end. These French doors would lead to a courtyard with a floor area of approximately 4.8m², which would also function as a light well. The proposed French doors would also face onto retaining structures for the courtyard.
9. The appellant advises that following a previously refused planning application¹ he is proposing to increase the heights of proposed windows and incorporate the French doors and associated courtyard area to improve daylight and outlook to the proposed flat.
10. However, despite these alterations the proposed windows and French doors, due to the proximity and heights of external retaining structures and enclosures would only facilitate limited daylight to filter into the proposed flat via existing and proposed light wells, resulting in a particularly gloomy living environment.
11. Moreover, due to the proposed windows and French doors being largely enclosed by existing and proposed retaining structures and walls. This arrangement would offer a particularly bleak and oppressive outlook for future occupiers. Overall, this would result in a poor quality place.
12. For the above reasons, I conclude that the proposed development would harm the living conditions of future occupiers with respects to daylight and outlook. Therefore the proposal would conflict with Policies LLP1 and LLP25 of the LP, which amongst other matters seek to create high quality places. The proposal would also conflict with Policy LLP1 of the LP, which although sets out a presumption in favour of sustainable development, this is subject to the proposal according with other policies in the plan.
13. The proposed development would also be contrary to the aims of Paragraph 17 of the National Planning Policy Framework, which amongst other things seeks to secure high quality design and a good standard of amenity for all future occupants of land and buildings.
14. I acknowledge that the proposal would make use of a redundant section of an existing building. Furthermore, if I were to also accept that the type of accommodation proposed is in short supply in the town, these factors do not outweigh the harm I have already identified.

Conclusion

15. For the reasons set out above, I dismiss this appeal.

M Aqbal INSPECTOR

¹ 16/01454/FUL – Conversion and change of use of basement to 1 bedroom self contained flat. Refused September 2016.