
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: 1 March 2018

Appeal Ref: APP/B0230/W/17/3179146

Gilmartins House, 102 Collingdon Street, Luton LU1 1RX

- 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 T Gilmartins, Gilmartins Limited against the decision of Luton Council.
 - The application Ref 17/00196/FUL, dated 26 January 2017, was refused by notice dated 20 June 2017.
 - The development proposed is described as 'Residential development, incorporating seven apartments, the construction of three additional floors, extensions and alterations, revised parking and landscaping'.
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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 and ENV9 have now been replaced. I have therefore considered the proposal against the relevant policies of the new LP. The appellant is aware of the policy change and has had the opportunity to comment on it. Accordingly, neither side's cases have been prejudiced by this change.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area with regards to height, scale and appearance and, if harm arises, whether this is outweighed by other material considerations.

Reasons

4. The appeal site is located on the edge of Luton town centre along the northern side of Collingdon Street at the end of the road where it terminates. Beyond the road is a pedestrian path and link to a bridge over Telford Way (Inner Ring Road), which is located to the north and north-west of the appeal site but on significantly lower ground due to level variations. To the east of the appeal site are Clody House and Hamilton House, which are both 4 storey office buildings. On the opposite side of the appeal site is the car park for the Liverpool Road Health Centre.

5. The existing building on the appeal site known as 'Gilmartins House' comprises a modern 4 storey detached office building, constructed of facing brickwork with a slate clad mansard roof.
6. At present the building is used as an office. A Prior Approval application¹ has been granted for the conversion of the office into 13 apartments. In addition, to the works set out in the Prior Approval application the appellant is proposing to extend the existing building by enlarging its footprint, adding an additional 3 storeys and re-modelling the existing building to provide an additional 7 apartments. These proposals form part of the application, which is the subject of this appeal. Owing to its location at the end of Collingdon Road, the principal and northern flank elevations of Gilmartins House face Telford Way and the southern elevation addresses Collingdon Street.
7. Whilst, I observed a range of building types and styles along Collingdon Street, these are predominantly 2 storeys high interspersed with some 3 and 4 storey buildings. The 4 storey buildings include Gilmartins House and the two buildings adjacent to it. Whilst not of any remarkable architecture these buildings appear in good condition, settled in the street scene and in combination create a sizeable frontage, which has a strong horizontal emphasis and contributes to the streetscape along Collingdon Street.
8. In stark contrast, Gilmartins House as extended would incorporate 7 storeys. I accept that Clody House is marginally taller than Gilmartins House. However, the appellant asserts that change in height between Clody House and Gilmartins House, as extended would be similar. Notwithstanding the plant areas and roof of Clody House, which are largely unnoticeable from the highway and are insignificant in size, the addition of three storeys on the existing building would result in a significantly appreciable change in height. The tall slim windows and balcony towers would accentuate the vertical emphasis of the extended building. Furthermore, in the context of the predominantly two storey buildings along Collingdon Street a 7 storey building would be particularly prominent and out of character. In addition, the increase in the footprint of the building in combination with change in height would result in a building of substantial scale relative to adjacent buildings.
9. When taking into consideration overall footprints the adjacent buildings may have a greater mass than Gilmartins House, as extended. However, the excessive increase in height and overall scale of the proposed development are the critical factors in this particular case.
10. Despite the majority of buildings in Collingdon Street being located close to the highway, Clody House is setback. As such, part of the rear elevation of Gilmartins House is visible in views westwards along Collingdon Street. Due to this juxtaposition between these two buildings the proposed increase in height and scale of Gilmartins House would appear unduly dominant and incongruous when viewed from along Collingdon Street.
11. The proposed design incorporates features such as glazed balconies framed in faux facades along with different materials to articulate the elevations, which would provide some visual interest and to some extent assist in breaking up the scale and massing of the extended building.

¹ 17/00095/COM -Prior Approval to change the use from Class B1 (office) to Class C3 (residential) incorporating 13 apartments.

12. Furthermore, in the context of the proposed contemporary design the suggested palette of materials is acceptable. However, the use of dark toned cladding and render set against the paler tones of the brickwork on Clody House and Hamilton House would only emphasise the incongruity of the scale and height of Gilmartins House, as extended with thin the street scene.
13. The appellant has referred me to examples of other multi storey buildings around Luton. Most of these though are located in different contexts to the appeal site for example adjacent to dual carriageways or squares with other taller buildings nearby or are grouped with high rise buildings. As such, they provide very limited support for the appeal scheme.
14. The Tokko Youth space building is located in the more intimate setting of Gordon Street but it is along the same building line as adjacent buildings and although it is located between a two storey terrace and a multi-storey building the transition in heights has been carefully designed by the use of light coloured cladding, sections of glazing and variations in form.
15. Also, as illustrated on page 12 of the appellant's statement dated June 2017, there is a significant change in heights between a block of two storey buildings and a multi-storey building along New Bedford Road. However, these buildings are all similarly located at the back of pavement and the change in height is absorbed by the presence of other tall buildings nearby.
16. The appellant has also referred to a planning application² for the redevelopment of the 'Former Vauxhall Site' which includes multi-storey buildings. Based on the limited information I have in respect of this, I am unable to consider it in relation to the appeal proposal. Notwithstanding such examples, I have determined this appeal having particular regard to this proposal, the appeal site, its context and other considerations.
17. I appreciate that Gilmartins House, as extended is intended to create a focal building, which would take advantage of its orientation and location relative to Telford Way. However, for the above reasons due to its height, overall scale and appearance the proposal would harm the character and appearance of the surrounding area, in particular Collingdon Street. This would be contrary to the design aims of Policy LLP 25 of the LP, which amongst other matters requires development proposals to enhance the distinctiveness and character of an area by responding positively to the townscape, street scene, site and building context, form, scale, height pattern and materials.
18. Consequently, I also find conflict with the Framework, which amongst other things seeks to secure high quality design.

Other considerations

19. The appellant asserts that the Council has an unmet housing need of 11,100 dwellings. The Council has not disputed this. Where a local planning authority is unable to demonstrate a five-year supply of deliverable housing land, paragraph 49 of the Framework, which is a significant material consideration, indicates that relevant policies for the supply of housing should not be considered up-to-date.

² 16/0900

20. Furthermore, paragraph 49 of the Framework also states that all housing applications should be considered in the context of the presumption in favour of sustainable development. For decision taking purposes this means, as set out at paragraph 14 of the Framework that where relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate that development should be restricted.
21. In this particular case the appellant submits that the proposal would make a valuable contribution towards housing supply and assist in the regeneration of Luton town centre. Whilst I recognise the housing shortfall is significant, 7 more dwellings would make only a very modest contribution and there is very limited evidence about the need to regenerate the town centre.
22. The appellant has also suggested that a building of lesser storeys would not be viable. However, I have limited evidence to substantiate this.

Planning Balance and Conclusion

23. I have found that the proposal would conflict with Policy LLP25 of the LP. This policy is broadly consistent with the design aims of the Framework, and therefore I attribute significant weight to the conflict with this.
24. Set against the above harm, I have identified the benefits of addressing the under supply of housing in the town which would also have some associated economic benefits. I attach moderate weight to the benefits arising from the provision of an additional 7 dwellings.
25. In my judgement the adverse impacts of allowing the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development as envisaged by the Framework does not apply in this instance. There are no material considerations in this case, including the Framework, that indicate a decision other than in accordance with the Development Plan. I therefore conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR