
Appeal Decision

Site visit made on 13 May 2019

by J Alderman BA(Hons) MA MRICS

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2019

Appeal Ref: APP/B0230/W/18/3219429

72 Reginald Street, Luton LU2 7RB

- 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 Alex Clairmonte against the decision of Luton Borough Council.
 - The application Ref:18/01498/FUL, dated 30 September 2018, was refused by notice dated 6 December 2018.
The development proposed is a single storey side extension to convert to self-contained flat to existing HMO property.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are the effect of the proposed development on:
 - (1) the character and appearance of the area;
 - (2) housing mix;
 - (3) the living conditions of the occupiers of no. 30 William Street (no. 30), with particular reference to outlook, noise and disturbance;
 - (4) the living conditions of the existing and future occupiers of the appeal property by way of amenity space provision and the standard of living accommodation for the future occupiers;
 - (5) highway safety and the free flow of traffic.

Reasons

Character and appearance

4. The appeal site is an end of terrace property originally fronting on to William Street. The side elevation and rear garden run parallel to Reginald Street with the main access to the property now situated on Reginald Street. There is a small garden and the existing property extends in to this garden area at a two storey height before falling to a single storey, with a pitched roof. The garden also contains a shed/garage structure, which would be demolished to accommodate the proposed development. The existing property is a House in Multiple Occupation use (HMO).
5. The appeal site is located on the corner of Reginald Street and William Street. The surrounding area is residential in character comprising predominantly redbrick terraced houses, which are fairly uniform in appearance, some with bay windows and some that are flat fronted. A number have apparently been divided in to flats, but the majority seem to have been retained as houses.
6. The proposed development would be the erection of a single storey extension to the host dwelling, which would form a one bedroom flat. It would encompass most of the existing garden, abutting the rear garden boundary wall and the boundary with the neighbour at no.30. It would leave a strip of outside space to the street side, which would be enclosed to form separate amenity areas for the occupants of the one bedroom flat and the existing dwelling.
7. The general street scene is one of two storey houses with pitched roofs. A single storey extension with a fairly substantial flat roof would be out of place and would not blend in with the surrounding properties. It would be overly large and at odds with the proportions of the host dwelling, and it would in effect fill the spacing between the host dwelling and the neighbouring property on Reginald Street.
8. The corner location gives the appeal site particular prominence and as a result of its bulk and lack of cohesion with its surroundings, the proposed development would cause harm to the character and appearance of the area. It would not enhance the existing dwelling. The loss of virtually all of the garden would not be in keeping with the surrounding area, where most properties have, albeit, small gardens.
9. I conclude that the proposed development would have an unacceptable effect on the character and appearance of the area and as a result, it would be contrary to Policy LLP1 of the Luton Local Plan 2011-2031 (2017) (LP). It would fail to comply with Policy LLP15, which seeks to ensure that development does not result in the over intensification of a site. It would also fail to comply with Policy LLP25 which requires developments to adhere to the best practice principles of urban design, including enhancing the character and distinctiveness of an area. Finally it would not accord with the National Planning Policy Framework 2019 (Framework) where it seeks to achieve well-designed places.

Housing Mix

10. The Council has reported that their Strategic Housing Land Availability Assessment (2017), and the LP, shows the potential over delivery of 1 bedroom flats within the first five years of the Local Plan. Consequently, they

assert that it would not meet the housing need. Within this context, no substantive evidence has been provided by the appellant to support the need for a one bedroom flat at the appeal site.

11. As a consequence, I conclude that the proposed development would contribute towards a harmful imbalance in the housing mix. It would therefore not comply with Policy LLP15 which requires new development to achieve a mix of different sizes, types and tenures to meet the housing needs of Luton and the Luton Housing Market Area as informed by the latest Strategic Housing Market Assessment, as well as Policy LLP1 as far as it concerns matters relevant to this consideration. Similarly, it does not comply with the Framework which seeks to create mixed and balanced communities.

Living Conditions – No 30

12. There is concern regarding the impact of the proposed development on the occupiers of the adjoining terraced property, no.30. The proposed development would run from the existing building line, virtually the entire length of the boundary between the two properties, with the proposed height of this elevation being considerably higher than the existing boundary wall, which despite the garage/shed structure does give some feeling of openness. The combination of the height and bulk of the new development would create an enclosed feeling and would be visually imposing, which would negatively impact on the outlook of the occupiers of no.30.
13. The appellant contends that the impact of the development on no.30 would be no worse than the existing arrangements between other properties in the terrace. However, from reviewing the appeal documentation it appears that none of the other properties have developed extensions which have subsumed the majority of their garden.
14. The Council are concerned regarding the negative impact of additional noise and disturbance generated by the proposed development, whilst the appellant states that this will not be the case. No evidence has been provided regarding the effect of any noise or disturbance, I have therefore only been able to give this matter limited weight.
15. I conclude that the proposed development would have an unacceptable effect on the living conditions of the occupiers of no. 30, with particular reference to outlook. As such, it would fail to comply with Policy LLP1 and Policy LLP25, where they are concerned with ensuring that new development is not detrimental to surrounding occupiers.

Living Conditions – Existing and Future Occupiers

16. The extent of development proposed in the rear garden would lead to a loss of outdoor space for the existing occupants and result in an amount of such space for the future occupiers of the proposed development that would not accord with external amenity space standards set out in Appendix 6 of the LP, which stipulates the amount of outdoor space that should be provided.
17. The appellant has drawn my attention to the fact that the occupants of the existing dwelling only use a small area of the current garden. However, my decision is concerned not only with the effect on the current occupants but also the future occupants. The standards set out in Appendix 6 are also to ensure

that housing developments are provided with adequate levels of external amenity space.

18. Turning to the standard of the proposed living accommodation, the cramped nature of the proposed one bedroom flat would result in the layout being compromised and the circulation space restricted, thus making the accommodation feel awkward and inadequate. Although the Council has under calculated the amount of internal space that would be available and do not have a specific policy that embodies the Government's Nationally Described Space Standards, this does not mean the effect on the living conditions of future occupiers is not a relevant matter for this appeal.
19. I therefore conclude that the effect on the living conditions of the existing and future occupiers of the appeal property by way of amenity space provision and the standard of living accommodation for the future occupiers would not be acceptable. It would fail to comply with Policies LLP1, LLP15 and LLP25 as far as they seek to provide adequate living conditions as an aspect of high quality design, as well as with similar guidance in the Framework.

Highways safety

20. As the proposed development would occupy the majority of the available plot, there would be no provision for off street parking. The Council are concerned with the detrimental impact on street parking of additional vehicles associated with the proposed development and as a consequence an increased risk to highway and pedestrian safety, as well as free traffic flow.
21. The Council's Highway Officer has provided no specific objection to the development, though, and I see no reason to disagree given that as the proposed development would be a one bedroom flat, it would be unlikely that there would be sufficient vehicles parking to significantly increase these risks. The Council's usual parking standards are themselves expressed as a maximum and also have regard to accessibility, particularly with reference to 1 bedroom properties. The proposed development is reasonably close to Luton town centre and thus would provide accessibility to services and public transport. Issues concerning the issuing of parking permits do not change my views.
22. I conclude that the proposal would not be unacceptable as regards highway safety and the free flow of traffic. For these reasons, I consider that the proposed development would comply with Policies LLP31 and LLP32.

Conclusion

23. The proposed development would have an unacceptable effect on the character and appearance of the area, in relation to housing mix and as regards the living conditions of the occupiers of No 30, as well as on the existing and future occupiers of the appeal property. These matters are decisive. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

J Alderman

INSPECTOR