



Appeal Decision

Site visit made on 27 August 2019 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd October 2019

Appeal Ref: APP/B0230/W/19/3229688

17-19 York House, Park Street West, Luton LU1 3BE

- 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 Ali of GQ Capital Ltd against the decision of Luton Borough Council.
 - The application Ref 19/00109/FUL, dated 25 January 2019, was refused by notice dated 16 April 2019.
 - The development proposed is a roof extension to rear to provide for two flats.
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Decision

1. The appeal is allowed and planning permission is granted for the roof extension to rear to provide for two flats at 17-19 York House, Park Street West, Luton, LU1 3BE in accordance with the terms of application Ref 19/00109/FUL, dated 25 January 2019 and subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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 plans: Drawing Nos PS01, PS02, PS03, PS04, PS05, PS06, PS07, PS08, PS09, PS10, PS11, PS12, PS13, PS14, PS15, PS16, PS17, PS18, PS19 and PS20.
 - 3) Before development commences, full details of the materials to be used in the construction of the mansard roof and external balcony shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are
 - The effect of the development on the character and appearance of the area including the setting of nearby listed buildings; and
 - Whether the development meets the identified housing needs of the Borough.
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Reasons for the Recommendation

Character and appearance

4. The appeal site comprises a three-storey terraced property with a rear two-storey flat roof extension. The building is situated in a town centre location characterised by a mix of uses and architectural styles. Whereas the properties on the east side of Park Street West, including that at the front of the appeal site, date from around the 19th Century, directly behind the rear extension, is a functional and modernist flat-roofed three-storey University of Bedfordshire building known as 'The Atrium'. A number of the 19th Century properties on Park Street West are Grade II listed buildings built with Luton grey bricks, red brick window lintels, slate roofs, and white front door pilasters giving a sense of consistency.
5. The proposal will result in two new residential units within a mansard roof above the existing two storey rear extension. The Council has expressed concern regarding the expanse, scale, massing and position of the proposed roof in relation to the existing extensions. However it would appear as a conventional mansard roof set-in within the sides and rear of the existing building, the resultant height of the rear projection will not appear excessive, and it would tie in with the scale of the building as a whole. Indeed, the ridge height of the proposed mansard roof will remain lower than the ridge height of the original three-storey building which fronts Park Street West. It would therefore not be an over-intensive or prominent development.
6. Furthermore, although the development would be visible when viewed from surrounding buildings and the car park to the rear, its appearance would not be obtrusive or negatively harm the townscape. In fact, I find that the proposed design will improve the appearance of the existing flat-roof extension and would not affect the traditional urban street scene along the east side of Park Street West, which is the main significance of the setting of the nearby Grade II listed buildings at No. 11 & 13 and No. 21-23. The development will thus not detract from the significance or setting of nearby listed assets.
7. I therefore find the proposed roof extension would be compatible with the existing building and will not result in a visually discordant feature that would harm the character and appearance of the surrounding area which includes the heritage assets. The proposed development would accord with policies LLP1, LLP3 and LLP25 of the Local Luton Plan 2011-2031 (the 'Local Plan') and the National Planning Policy Framework (the 'NPPF') which together seek to ensure proposals are well designed and contribute positively to the character and appearance of the surrounding area in which they lie.

Whether the development meets the identified housing needs of the Borough

8. The Council highlights that there is an over-delivery of 1-bed residential units in the borough with reference to the latest Strategic Housing Land Availability Assessment (SHLAA- November 2017). Whilst the proposed development would not contribute towards the most needed type of accommodation, the increase in the density of housing in this town centre location would be appropriate as it is a location with a variety of amenities within walking

distance. The provision of two flats would be modest and would not result in a harmful over-provision.

9. The proposed development would therefore adhere to policy LLP15 of the local plan which seeks to encourage higher densities in Luton Town Centre as well as the NPPF which promotes the effective use of land and higher densities of residential development in such locations.

Other matters

10. I note concerns have been raised by the owners of 'The Atrium' regarding the waste area of York House which abuts the car park as well as the impact and potential disturbance arising from construction work. These are not planning matters and do not affect my view that the development is acceptable in planning terms.

Conditions

11. The Council has suggested a number of conditions that it would wish to see imposed in the event that the appeal was successful. I have considered the suggested conditions against the advice on conditions set out in the NPPF and the Planning Practice Guidance.
12. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty.
13. I have also included a condition requiring details of the materials to be used in the construction of the mansard roof and external balcony are submitted to and approved in writing by the Local Planning Authority, to protect the character and appearance of the area.

Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR