



Appeal Decision

Site visit made on 19 November 2019

by Janet Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 25th November 2019

Appeal Ref: APP/B0230/W/19/3235689

52 Wheatfield Road, Luton LU4 0TR

- 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 Mrs Catherine Pullinger against the decision of Luton Council.
 - The application Ref 19/00603/FUL, dated 28 April 2019, was refused by notice dated 2 May 2019.
 - The development proposed is the change of use of a single dwelling house with attached annexe to 2 self-contained dwelling houses.
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use of a single dwelling house with attached annexe to 2 self-contained dwelling houses at 52 Wheatfield Road, Luton LU4 0TR in accordance with the application Ref 19/00603/FUL dated 28 April 2019, and 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 plans: BD 14815 Location Plan; Unnumbered Block Plan; Unnumbered Ground Floor Plan; Unnumbered First floor Plan; and two general arrangement plans.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to either dwelling house shall be carried out nor shall any outbuildings be erected within the curtilage of either dwelling.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The existing building would be externally unchanged by the subdivision being dependent on internal reconfiguration only. To this effect there would be no visible external change other than from the rear garden where a dividing fence

would be erected. The side boundary of the dwelling, which in effect forms the frontage to the main part of Wheatfield Road, already has a robust boundary made up of a wall with substantial boundary vegetation such that there would be no discernible effect on the appearance of the property. The principal change would be that the parking area would serve two smaller units rather than a single house and its annexe; though that too would have a minimal effect on the appearance of the site.

4. Whilst there are a varied range of properties in both size and design along this road, semidetached properties are prevalent in the area. The use of this larger property in a similar manner would not, in my view, be harmful to the appearance of the building nor the character of the area which is predominantly residential.
5. The Council argue that the scale and proportions of the development would be out of context when viewed against the surrounding development and would result in a cramped and over-intensive form of development. I find this argument to be poorly founded given that the building would be unchanged and benefits from gardens with mature planting. As such, there would be no demonstrable change in the appearance of the property; neither would the overall spaciousness between buildings in the area be compromised. Similarly, I do not find there to be any evidence to suggest that there would be pressure on the alteration of the boundary treatment to improve privacy, particularly as this boundary is already sufficiently robust and would provide a private albeit shady external garden area for the smaller of the two units.
6. For the above reasons, the proposal would not compromise the urban grain found in the locality of the site nor would it affect the character and appearance of the area. It would not therefore conflict with Policies LLP1, LLP15 and LLP25 of the Local Luton Plan 2011-2031 Planning and Economic Growth Place and Infrastructure (2017), or to the aims of the National Planning Policy Framework. These seek, amongst other things, to achieve high quality developments through good design which responds to and enhances local character.

Other Matters

7. Reference has been made to the National Technical Housing Standards¹. These can only be applied on a mandatory basis where they are intrinsic to Local Plan Policy as defined in the Written Ministerial Statement of 25 March 2015. The Council nonetheless comment that the internal space falls below the level set in that standard and provides an indicator that the accommodation represents cramped accommodation. I am mindful that this matter does not go to the heart of the Councils' reason for refusal which refers to character and appearance. In practice the structure would not change in volume and only minimally in terms of its occupation as it is already an annexe to the main building. It is not part of the Councils Case that the amenity afforded in terms of living conditions to future residents is inadequate. I have found that the development applied for would not adversely affect the appearance of the site or the character of the area.
8. In reaching my decision I have had regard to the fact that the Council does not object to the appearance of the dwelling and the main parties agree that the

¹ Technical Housing standards - nationally described space standards DCLG 2015

development would allow sufficient separation distances between neighbouring properties to ensure there would be no overlooking or reduction in living conditions for the occupiers of surrounding properties. I have no basis with which to disagree.

Conditions

9. The Council have not recommended any conditions with regard to this proposal. I consider that alongside the statutory condition relating to timescale and one relating to compliance with the submitted plans it would be prudent to restrict any further additions to either dwelling, or any structures within the garden areas. Whilst permitted development rights should only be removed in exceptional circumstances, I consider that this would be appropriate given the external space which each of the two dwellings would be afforded if the subdivision proceeds; as these could be significantly compromised if further structures were to be permitted.

Conclusion

10. For the reasons outlined above, and taking into account all other matters raised, the appeal is allowed subject to conditions.

Janet Wilson

INSPECTOR