



Appeal Decision

Site visit made on 7 January 2020

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2020

Appeal Ref: APP/B0230/W/19/3239102

18 Dordans Road, Luton, Bedfordshire LU4 9BP

- 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 Akhtar Khan against the decision of Luton Council.
 - The application Ref 19/00148/FUL, dated 15 January 2019, was refused by notice dated 5 July 2019.
 - The development proposed is described as 'the change of use of a storage building to a 1-bed granny flat at the rear of 18 Dordans Road'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether or not satisfactory living conditions would be provided for future occupants of the proposal, with particular regard to external amenity space and noise and disturbance;
 - whether or not the proposal would contribute to the housing needs of the Borough; and
 - the effect of the proposal on the living conditions of the occupants at surrounding properties, with particular regard to privacy and noise and disturbance.

Reasons

Character and Appearance

3. Dordans Road is a residential street characterised by two storey semi-detached and terraced properties. The set back of individual properties from the carriageway varies, but the prevailing layout of residential development near to the appeal site is of dwellings set behind relatively small front gardens with larger gardens to the rear. This common layout gives the spatial pattern of residential properties in this part of Dordans Road a sense of rhythm and uniformity. No 18 is a two storey, semi-detached, property with a single storey garden storage building at the end of its long rear garden. Its overall layout is consistent with nearby properties and therefore contributes positively to their rhythm.

4. This proposal seeks permission to subdivide the existing plot and change the use of the outbuilding to a one-bedroom dwelling. To facilitate this, a new hipped roof would be constructed and there would also be alterations to the fenestration. I appreciate that the proposal would not result in the construction of any new buildings at the site. Neither would it result in the loss of a use for which there is a recognised local need. Nevertheless, sited to the rear of an existing dwelling, close to its rear and side boundaries with a small rear garden, the proposal's layout would be markedly different to that of nearby properties. It would therefore disrupt their rhythm and uniformity. In this context, I also consider that the proposal would appear unduly cramped upon its plot in relation to its size.
5. Furthermore, the proposed dwelling would be notably smaller in height compared to surrounding properties. This would reinforce its incongruity with them. Taking this, and all of the above into account, I am not persuaded that the scheme would enhance the appearance of the site. On the contrary, although it would have its own vehicular access and its footprint would be similar to No 18, the proposal would represent an inappropriate feature that would fail to integrate effectively with the spatial pattern and character of surrounding built form. Its harmful impact would be apparent from the rear of several surrounding properties. When viewed in isolation, the proposal would improve the aesthetics of the outbuilding. However, this would not diminish the harm caused as a result of its discordant scale and positioning.
6. For the reasons given, I conclude that the proposal would harm the character and appearance of the area. It would therefore conflict with Policies LLP1, LLP15 and LLP25 of the Luton Local Plan (LP) insofar as they seek to ensure that developments are high quality in design, do not result in an over-intensification of the site and improve the character of the area.
7. Turning to the National Planning Policy Framework (the Framework), my attention has not been drawn to any specific paragraph which supports the conversion of residential storage buildings to dwellinghouses. In any event, the Framework requires that developments are sympathetic to local character and improve the quality of the area. I have found that the proposal would not achieve this. There is therefore conflict with the design objectives of the Framework.

Living Conditions – Future Occupants

Noise and Disturbance

8. A railway line runs close to the rear boundary of the appeal site. From my observations on site, this could deleteriously impact upon the internal living conditions at the proposed dwelling in terms of noise. In some instances, sound insulation, secured through an appropriately worded condition, can mitigate such noise. However, in the absence of a noise assessment, the frequency and sound levels emitted by passing trains is unclear. Consequently, I do not know whether sound insulation at the property would suitably mitigate the noise and disturbance that they create. It would therefore not be reasonable to impose such a condition, with regard to the tests at paragraph 55 of the Framework. Accordingly, I am not satisfied that internal living conditions would be acceptable in terms of noise.

9. In addition, noise from passing trains would make the rear garden a less pleasant place to be and I cannot be certain that additional planting would sufficiently mitigate this noise. This reinforces my concerns in terms of the substandard living conditions that the proposal would afford.
10. My attention has been drawn to developments close to the railway line at Canterbury Close, Cathleen Court and Sarum Court. However, in the absence of details about how these were assessed, they carry little weight in my assessment, which I have performed based on the proposal's individual merits.

External Amenity

11. There is a dispute between the parties in terms of the requisite external amenity space for the proposal. This stems from a dispute as to whether or not the proposal represents a flat. To my mind, a flat is a self-contained housing unit that occupies only part of a building. This would not be the case for the proposed unit, which would occupy the entirety of the ground floor with no other accommodation above it. Consequently, for the purposes of this assessment, I consider that the proposal represents a one-bedroom, single storey, dwellinghouse.
12. Policy LP25 of the LP requires that developments are high quality in design and create quality places in the Borough. It also states that external amenity space standards set out in Appendix 6 of the LP must be met. In this case, these standards require that new a dwellinghouse has a garden which is a minimum of 45sq.m in size.
13. From the evidence, it would appear that the primary, private, external amenity space would be at the rear of the proposed dwelling. However, this would be a small garden that would not meet the size requirements illustrated within the LP. In addition, I have already found that the quality of this garden would be diminished as a result of the proximity of the railway line. I appreciate that there would be another area of external amenity space to the front of the proposal. However, the exact layout of this area is unclear, and it may be used for additional parking or for the turning of vehicles.
14. Overall, even if the cumulative quantity of external amenity space to the front and rear of the proposal met the standards at Appendix 6 of the LP, I find that these would be poor quality garden areas which would be inadequate for a residential dwelling of this size.
15. I acknowledge that there is an area of open land beyond the rear boundary of the appeal site (labelled on submitted plans as 'railway land') which would improve the outlook from within the proposal. However, although the appellant has inquired about purchasing or leasing this land, at present it remains outside of his ownership. Consequently, it cannot be included as garden land for this proposal.

Overall Findings – Living Conditions for Future Occupants

16. Drawing the threads of my assessment together, I conclude that the proposal would not afford satisfactory living conditions for future occupants in terms of the provision of good quality external amenity space and noise and disturbance. It would therefore conflict with Policy LLP25 of the LP insofar as it seeks to avoid backland developments where they would give rise to adverse amenity and ensure that schemes are high quality in design with appropriate

external amenity space. There would also be conflict with the Framework insofar as it seeks to secure a high standard of amenity for future users.

Housing Mix

17. On the evidence before me, there has been a significant over-provision of one-bedroom units in the Borough over recent years. Consequently, the Council's Strategic Housing Market Assessment (SHMA) shows that there is only a small need for such properties compared to larger units. To promote sustainable communities, Policy LLP15 of the LP seeks to provide homes of a size which reflect the identified housing need requirements in the SHMA.
18. I appreciate that the proposed one-bedroom unit could provide accommodation for those who wish to commute to work by train. Nonetheless, it would not contribute to the overriding need for larger properties in the Borough as identified by the SHMA, contrary to Policy LLP15.

Living Conditions – Surrounding Properties

Overlooking

19. I note that the proposed dwelling would be sited on land which is slightly raised compared to Nos 18 and 20 Dordans Road. However, there would be a relatively large distance between the proposal and these properties. Consequently, it would not afford close distance and direct views of their rear elevations or the primary garden land adjacent to them. Taking this into account, together with the single storey nature of the scheme, I find that the proposal would not unacceptably overlook surrounding properties. Neither would it notably increase the perception of overlooking at these dwellings.

Noise and Disturbance

20. The proposal would utilise the existing access between Nos 16 and 18 Dordans Road. Whilst the proposal may increase the frequency of vehicular and pedestrian movements along this access, given the scale of the development this is unlikely to be to a significant degree. Consequently, I am not persuaded that the scheme would result in unacceptable levels of noise and disturbance to Nos 16 and 18.

Overall Findings – Living Conditions at Surrounding Properties

21. For the reasons given, I conclude that the proposal would not significantly harm the living conditions of the occupants at surrounding properties in terms of privacy and noise and disturbance. It would therefore accord with Policy LLP25 of the LP insofar as it seeks to minimise noise and overlooking. It would also accord with the Framework insofar as it seeks to secure a high standard of amenity for current users.

Other Matters

22. The Council raises concern that this proposal, if permitted, would set a precedent for other similar developments in the area. However, it reserves the right to assess each application on its individual merits as I have done here. Consequently, this concern carries limited weight in my assessment. I have no substantive evidence to show that this particular proposal is required to improve safety with regard to the adjacent railway line. Thus, this too carries only limited weight in my assessment.

23. The appellant states that the existing garden storage building has been used for more than 15 years as a car repair workshop. I have no substantive evidence to show that this was for commercial purposes separate to the residential occupation of No 18 or that such a use became lawful. Consequently, I have assessed the proposal on the basis that the existing outbuilding is ancillary to the residential use at the site.

Planning Balance

24. The Government is seeking to significantly boost the supply of housing. However, the proposal for a single dwelling would make only a minimal contribution to the Council's housing stock. Similarly, the economic benefits of the proposal would also be minimal and would primarily relate to short-term employment during the construction period. In this context, I give limited weight to these social and economic benefits.
25. I have found that the proposal would not harm the living conditions of the occupants at surrounding properties in terms of privacy and noise and disturbance. It would also be acceptable in other respects, such as the provision of an acceptable quantum of internal floor space. However, these are requirements of the development plan and are therefore neutral factors in the overall balance.
26. On the other hand, the scheme would result in harm to the character and appearance of the area and would fail to afford suitable living conditions for future occupants in terms of noise and disturbance and the provision of good quality external amenity space. It would also fail to contribute to the housing needs of the Borough. These are matters which collectively attract significant weight.
27. In my view, the adverse effects would outweigh the benefits associated with the provision of one dwelling. This is so even in the absence of objections from neighbours. The proposal conflicts with the development plan and there are no material considerations, including the advice of the Framework, which outweigh this conflict.

Conclusion

28. For the above reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

M Heron

INSPECTOR