
Appeal Decision

Site visit made on 6 January 2020

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th January 2020

Appeal Ref: APP/B0230/W/19/3239249
19-23, Hitchin Road, Luton LU2 0EJ

- 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. Singh against the decision of Luton Council.
 - The application Ref 19/00082/FUL, dated 23 January 2019, was refused by notice dated 25 April 2019.
 - The development proposed is to create 1 additional floor, comprising of two 2 bedroom flats, on existing building.
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Decision

1. The appeal is allowed and planning permission is granted to create 1 additional floor, comprising of two 2 bedroom flats, on existing building at 19-23, Hitchin Road, Luton LU2 0EJ in accordance with the terms of the application, Ref 19/00082/FUL, dated 23 January 2019, 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: OAK-029 Rev A Site & Location Plans and OAK-029 Rev C Existing & Proposed Floor Plans / Elevations.

Main Issue

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

Reasons

3. Hitchin Road is a busy road comprising a mix of uses including retail, commercial and residential. There is a mix of traditional and contemporary buildings ranging from single-storey commercial properties to four-storey residential blocks. The building designs are equally varied, for example there is a mix of flat and pitched roofs, with no cohesive architectural theme. Overall, the area is characterised by its eclectic mix of uses and varied building designs and sizes.
4. The appeal property comprises a contemporary three-storey building. The main element of the building has a pitched roof with its southern elevation being a large gable, which is prominent within the streetscene when approaching along Hitchin Road from the south. The rear element of the building, which backs onto 1a Duke Street has a flat roof.

5. The proposal would replace the pitched roof with a flat roof, creating an additional floor that would contain 2 additional flats within the third floor. The entire building would have a flat roof. As a result, the building would have a greater bulk, which would be noticeable from Hitchin Road and Burr Street. However, the property is already viewed as a large building within the streetscene. The relatively slight increase to the bulk of the building would not result in it becoming an excessively dominant feature, particularly when viewed in the context of the substantially larger block of flats on the opposite side of Burr Street.
6. I have had regard to the proximity of the building to the adjacent traditional, two-storey buildings, which have pitched roofs. Whilst the appeal building also has a pitched roof, given their significant difference in size and design, there is very little cohesion between the appeal building and the traditional buildings and their roofs are not discernibly read in the same context. Given the proliferation of numerous flat roofs within the vicinity of the site, the replacement of the pitched roof with a flat roof would not appear incongruous.
7. The Council also raise concern that the proposed increase in the number of flats would result in 'over-intensiveness', although it does not specify what the effects of this would be. It relies heavily on the findings of a previous refusal of planning permission¹, the details of which are not before me. Based on my own observations, the site has good access to various services and facilities. Furthermore, the appeal building is already of a relatively high density and is within proximity of other high-density developments. Therefore, the increase in the number of residential units on the site would be in keeping with the overall character of the area. Moreover, as the Council confirm, there would be no unacceptable harm to the living conditions of neighbouring or future residents or to highway safety. I find no reason to conclude otherwise. As such, I do not consider that the proposal would be over-intensive for the site.
8. I find therefore that the proposal would not have a significantly harmful effect on the character and appearance of the area. As such, it would comply with Policies LLP10, LLP15 and LLP25 of the Luton Local Plan 2017, which, amongst other matters, seek to ensure that development is of an appropriate density and height; does not result in over-intensification of the site; and, is of a high quality of design. It would also accord with the design objectives of the National Planning Policy Framework.

Conditions

9. The Council has not suggested any conditions to be imposed, in the event that I allow the appeal. However, for the avoidance of doubt, a condition is necessary ensuring that the development is carried out in accordance with the approved plans.

Conclusion

10. For the reasons given above, the appeal is allowed.

Alexander Walker

INSPECTOR

¹ LPA ref 18/01404/FUL