



Appeal Decision

Site visit made on 3 February 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2020

Appeal Ref: APP/B0230/W/19/3239781
104A Old Bedford Road, Luton LU2 7PD

- 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 S Akhtar against the decision of Luton Borough Council.
 - The application Ref 19/00859/FUL, dated 21 June 2019, was refused by notice dated 4 October 2019.
 - The development proposed is described as "change of use from flat to A-2 (office space)".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During my site visit I did not enter the appeal site, but I note that the Council states that the change of use for which permission is sought has already taken place. I have dealt with the appeal on that basis.

Main Issues

3. The main issues are:
 - the effect of the development proposed on the supply of housing; and,
 - whether the appeal site is an appropriate location for a main town centre use.

Reasons

Supply of Housing

4. The appeal site comprises a ground floor office previously used as a flat, part of a converted dwellinghouse with a further flat on the first floor. Policy LLP15 of the Local Luton Plan 2011-2031 November 2017 (the LP) states, among other considerations, that permission for redevelopment of existing housing to other uses will be permitted provided that replacement dwellings are provided or there is an overriding need for other uses which provides benefits to the community which outweighs the loss of housing.
5. The appellant states that there has been an overprovision of 1 bedroom units delivered based on the established need for such units in the Council's housing figures. However, 8,500 new dwellings are sought under Policy LLP15 and the

figures provided by the appellant state less than half that number have been provided, notwithstanding that the target date is 2031. I do not therefore consider that the loss of any housing is justified other than where it would meet the criteria set out in Policy LLP15. No replacement dwelling is proposed, nor has any evidence been submitted to show that the proposed use would benefit the community in a way that would outweigh the loss of 1 dwelling.

6. The appellant further suggests that the development proposed would result in no net loss of housing, as the property was previously a single dwellinghouse and the change of use of the ground floor to an office would see the property as a whole revert to 1 dwelling. However, as the property is currently 2 flats, the change of use would result in the loss of 1 dwelling from its current circumstances.
7. The appellant has drawn to my attention a number of recent planning permissions granted by the Council for residential development in the Borough. However, these permissions contribute towards the Council's housing target whereas the proposed development would not. The appellant also refers to allocated housing sites, but these will have been allocated with the intent of meeting the housing target. These permissions and site allocations do not justify the loss of a single dwelling that would result from the appeal proposal.
8. I therefore conclude that the development proposed would have a harmful effect on the supply of housing in the Borough through the loss of 1 dwelling. Accordingly, it conflicts with Policy LLP15 of the LP.

Location

9. The appeal site does not fall within any of the locations for main town centre uses identified as sequentially preferable in the hierarchy set out in Policy LLP21 of the LP. For out of centre sites the supporting text for the Policy, among other things, states that consideration of the proposal must be based on an understanding of any deficiencies in the range of existing facilities.
10. The appellant states that there is a clear demand for an estate agents in this area to serve the local population. However, no detail of this demand is provided to show that the needs cannot be met by existing estate agents.
11. The appellant also refers to supporting text to Policy LLP21 that states it is expected that both applicants and the Council will be flexible on issues such as format or scale in considering out of centre sites. He has also referred to nearby commercial units, including a ground floor commercial unit in a property in the same terrace as the appeal site, as evidence that the appeal site is an area of semi-commercial character. I viewed the commercial properties on Old Bedford Road to which my attention was drawn as part of my site visit and have given the character of the local area some weight in reaching my decision. However, the Policy directs main town centre uses towards the identified centres in its hierarchy to maximise their beneficial impact and reduce negative effects. Such uses are most appropriately located in existing commercial areas within the established hierarchy, which does not include the appeal site and its surroundings.
12. Having considered the above matters I therefore conclude that the appeal site would not be an appropriate location for a main town centre use. Accordingly, the development proposed conflicts with Policy LLP21 of the LP.

Other Matters

13. The appellant has referred to an instance of planning permission being refused by the Council for conversion of a property to residential use. I do not have the details of that case before me, and it is not clear what the justification for refusing that application was. In any case, I must determine the appeal before me on its own merits, and I confirm that this is what I have done.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

M Chalk

INSPECTOR