
Appeal Decision

Site visit made on 27 January 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2020

Appeal Ref: APP/B0230/W/19/3241090
618B Hitchin Road, Luton, LU2 7UG

- 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 A Mahmood against the decision of Luton Borough Council.
 - The application Ref 19/00935/FUL, dated 9 July 2019, was refused by notice dated 20 August 2019.
 - The development proposed is first floor addition over retail unit to provide 1no. studio flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposal would contribute to the housing needs of the Borough; and
 - the effect of the proposal on the living conditions of potential future occupiers, with particular regard to provision of outdoor amenity space.

Reasons

Character and appearance

3. The site comprises a single storey building which fronts on to Hitchin Road and is currently used as a tattoo studio. The proposal is to construct a first floor to create a studio apartment which would be accessed via an enclosed staircase to the side of the existing building.
4. The site is located in close proximity to the road junction of Hitchin Road with St Thomas' Road. This is a wide junction split by a large pedestrian refuge where there is a war memorial surrounded by low level planting, railings and bench seating. This is a key focal point in the surrounding area and this section of Hitchin Road has an open and spacious character. The appeal site is clearly visible, and it occupies a prominent position in the street, particularly on the approach from St Thomas' Road.

5. It is acknowledged that there are a mix of property styles and designs in the surrounding area, though I saw on my site visit that there is some regularity in the street scene, with buildings being predominately two-storey with pitched roofs that are in proportion to the scale and design of the main building.
6. The proposed first floor addition would have a modest shallow pitched roof, reflective of the style and design of the existing single storey building at the appeal site. However, by contrast the enclosed staircase would incorporate a steep pitched roof with an extensive roof slope at first floor level. Due to its height, width and angled arrangement it would result in a bulky roof arrangement that would dominate and be at odds with the size and design of the host property.
7. Whilst the roof to the staircase would utilise materials that would broadly match those used in the existing building, be lower than the main roof ridge and slope away from the site frontage, it would be a prominent feature within the street and at odds with the prevailing character and appearance of development in the vicinity.
8. There are properties with pitched roofs in the surrounding area, such as No 618 Hitchin Road, though these are predominately two-storey buildings. Although the appeal scheme would create a two-storey property its size and design, and that of the roof proposed to the staircase, would not be comparable. The ridge to the staircase would be substantially lower, being at the same height as the eaves level of No 618. Furthermore, the staircase roof would have a steeper pitch, and would not be proportionate to the size and design of its host property.
9. The proposed roof arrangement to the staircase would therefore not be reflective of existing development in the vicinity and, rather than detract from other development in the vicinity, such as the adjacent school building, it would merely introduce another style of development which itself would be incongruent.
10. It is acknowledged that views of the staircase element would be more restricted from the north and south along Hitchin Road, though as detailed above the site is within a prominent position. The enclosed staircase would be a particularly discordant and incongruous addition within the street and have an unacceptable harmful effect on the character and appearance of the site and surrounding area.
11. On this basis the proposal would not accord with Policy LLP25 of the Luton Local Plan 2011-2031 Planning and Economic Growth Place and Infrastructure, 2017 (LP) which seeks to ensure that development achieves a high quality, enhancing local distinctiveness and character and responding positively to the street scene. For the same reason the proposal would also fail to achieve the high-quality design requirements of Section 12 of the National Planning Policy Framework (the Framework).
12. The Council have referenced LP Policy LLP10 in the reason for refusal. However, from the LP Plan extract provided it would appear the appeal site is not covered by the High Town Strategic Allocation and therefore this Policy would not apply. LP Policy LLP15 is also referenced though this relates more to strategic housing matters which I have dealt with elsewhere in this decision. Therefore, with regards to this main issue I do not find any conflict with these Policies.

Housing needs

13. LP Policies LLP1 and LLP15 seek to ensure that new housing developments achieve a housing mix that meets the identified needs of the Borough, as informed by the latest Strategic Housing Market Assessment (SHMA). The SHMA indicates that, whilst the need for one-bedroom dwellings is low, there has been a significant over-delivery of these types of properties.
14. The Council are concerned that as the appeal scheme proposes a 1-bed property it would add to this oversupply and not achieve the policy objective of meeting assessed housing needs. However, the site is located within a District Centre and LP Policy LLP15 does state that higher densities will be encouraged in such locations. Furthermore, the proposal would not lead to the loss of a use for which there is a recognised need.
15. There is little in the evidence before me to detail what harm would arise from any oversupply in this instance, or to suggest that the appeal proposal would compromise the delivery of a scheme that would address identified housing need. On this basis and considering the size and location of the appeal site, whilst the proposal would add to the oversupply of 1 bed dwellings, I do not find that the proposal would conflict with LP Policies LLP1 and LLP15.

Living Conditions

16. The proposal seeks to create a new unit of residential accommodation, though there would be no provision for outdoor amenity space. LP Appendix 6 sets out standards in relation to the provision of external amenity space and LP Policy LLP25 requires developments for new housing to include such provision in accordance with these standards. The appeal scheme would therefore be required to provide a minimum 5sqm of private outdoor space.
17. The existing building however occupies much of the site and there would be no provision for any external space for future occupants of the proposed flat, aside from a bin storage area to the front of the site. The proposal would create a new dwelling, and whilst it is acknowledged that some flat developments do not have outdoor amenity provision, I consider future occupants could reasonably expect a certain level of outdoor amenity space to be provided.
18. The appellant has stated that there is open space within easy walking distance of the site at Lothair Road and Ashcroft Recreation Ground. Whilst this would offset the lack of outdoor space to a certain degree, both of these areas of open space are physically detached from the site, and in the case of Ashcroft Recreation Ground separated by the A505 Stopsley Way. They would not provide the same direct benefits to the day-to-day living environment of future occupants that on-site provision would, and which the Policy seeks to achieve.
19. On the basis of the above I consider that the lack of any such provision as part of the appeal proposal, would result in unacceptable harm to the living conditions of future occupants. The proposal would therefore conflict with LP Policies LLP1 and LLP25 which seek to ensure developments achieve a high quality and good standard of amenity for future occupants.

Other Matter

20. Whilst the appellant has attempted to address the Council's objections to a previous scheme on the site, having considered the proposal on its own merits,

this does not alter the harmful effects I have found. This other matter does not, therefore, lead me to a different conclusion.

Planning Balance

21. I note that the Framework emphasises the need to support the efficient use of land and acknowledge the important contribution small sites can make to housing supply. Whilst I have taken this into account the provision of one additional dwelling would have a limited impact in relation to boosting the supply of housing.
22. Similarly, any employment created during construction and from future occupants use of local services would only result in temporary and modest benefits.
23. Although the appellant considers the standard of internal accommodation would meet the needs of future occupants, as outlined above the proposed size and design of the enclosed staircase does not fit with that of the site or its surrounds and I have found it to result in unacceptable harm to the character and appearance of the surrounding area.
24. Furthermore, that the proposal would incorporate a high level of energy efficiency and the appellant considers there would be no adverse impacts on the natural environment, would have a neutral effect and therefore do not weigh in favour of the appeal.
25. Overall, I do not consider any benefits of the proposal would be sufficient to outweigh the harm identified, and the proposal would not accord with the Development Plan or Framework when taken as a whole.

Conclusion

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

A Denby

INSPECTOR