



Appeal Decision

Site visit made on 13 October 2020 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020

Appeal Ref: APP/B0230/W/20/3253739

5 Stockwood Crescent, Luton LU1 3SS

- 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 Ms Maryam Khodadadi against the decision of Luton Borough Council.
 - The application Ref: 20/00231/FUL, dated 19 February 2020, was refused by notice dated 5 May 2020.
 - The development proposed is conversion of single family dwelling to 1x two bed and 1x three bed flat and external alterations.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - i. Whether the proposed development would provide satisfactory living conditions for any future occupiers of the development with regard to internal living space; and
 - ii. The impact of the proposed development upon the living conditions of the neighbouring occupiers with regard to noise and disturbance.

Reasons for the Recommendation

Future occupiers living conditions

4. The Government's Technical Housing Standards – Nationally Described Space Standard (published 2015) (NDSS) set out a nationally described space standard for new dwellings. Planning Practice Guidance states that "*where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard*"¹ (my emphasis). These standards are referred to or adopted in the Luton Local Plan 2011 – 2031 (LLP) (adopted 2017) and, accordingly, there is no local policy requirement for new residential

¹ Paragraph: 018 Reference ID: 56-018-20150327

development to achieve the relevant minimum floorspace requirements of the NDSS. Notwithstanding that point, the standards are a useful point of reference in terms of gauging whether the space within the units is likely to provide a suitable living environment.

5. The NDSS notes that two-bedroom flats over one storey for three people should have a minimum floor space of 61 square metres (sqm) and a three bedroom, five person flat over two storeys should have a minimum floor space of 93 sqm. Based on the Council's calculations, which the appellant has not disputed, the ground floor flat (flat one) would provide floor space above the NDSS but the first and second floor three bedroom flat (flat two) would provide 70sqm which would be below the minimum requirement of 93sqm. For the purposes of the appeal I have considered the maximum number of people who could live within each flat based on the size of the beds proposed in each room.
6. Furthermore, the NDSS notes that a single bedroom should have a minimum floor space of at least 7.5sqm. The floor space for Bed 1 in flat one and Bed 2 in flat two would be below this standard. Additionally, Bed 2 of flat one and Bed 1 of flat two would both have a floor area below the minimum requirement for a double bedroom. Whilst the NDSS is not adopted policy, the proposed internal floor space for flat two would be significantly below the recommended internal floor space and a number of bedrooms would not meet the minimum standard. In my view, that gives some indication of the cramped nature of the proposed accommodation.
7. My views in that regard are reinforced by what I was able to see at my site visit to the property. Work in converting the property appears to have commenced and the layout was broadly as shown on the submitted plans. In particular, the room sizes within the upper flat appeared cramped, particularly bedrooms 1 and 2 which may be able to accommodate a bed and a wardrobe but there would be little circulation space and no apparent room for additional furniture or storage.
8. The available space in bedroom 2 would be further hampered by the unusual arrangement whereby the proposed access to the rear garden would be gained by passing through the bedroom and onto an external staircase. The need to leave a clear passage would limit the space available in what is already a small room. The arrangement also raises concerns over the privacy of the occupier of Bed 2, who would have the other occupiers of the flat passing through their bedroom to access the rear garden. Furthermore, in the eventuality that the occupier of Bed 2 is out, then the other occupiers of flat two would not be able to get to the rear stairwell if the occupier locked their bedroom. It is possible that the occupiers of the flat would have no connection to each other prior to living together, so it would be unreasonable to expect to the occupier of Bed 2 to leave their bedroom unlocked, at all times, to allow access to the rear garden.
9. All of the proposed communal accommodation would be in a single room which would be expected to accommodate cooking, dining and living room furniture. The plans show a single sofa set against the wall which would be unlikely to accommodate the number of residents, with no obvious location for televisions, bookcases or other audio-visual equipment for example. In other words, aside from the basic functions of dining and eating, neither flat would provide a comfortable living space to relax away from the bedrooms. Those concerns are

heightened in relation to the upper flat having regard to the limitations in the size and layout of bedrooms 1 and 2. Residents occupying those rooms would suffer from cramped sleeping accommodation with limited space outside that to relax.

10. Therefore, the proposed development would fail to provide an acceptable standard of accommodation for the future occupiers of the dwellings insofar as the internal layout would not provide suitable internal living space. Consequently, the proposal would be contrary to the aims of Policy LLP15 of the LLP, which states that new housing should not result in the over-intensification of the site. Furthermore, the proposal would not be in accordance with Policy LLP25 insofar as it states higher density development should not give rise to adverse amenity.

Neighbouring occupiers living conditions

11. The building is in residential use and would remain in residential use if planning permission was granted. Whilst there would be more people living in the two flats, compared to a single household, it seems likely that the overall increase in occupancy would be modest, given the scale of the two proposed flats. The noise generated by these individuals would not be significantly greater than a single household and certainly not to a level that would cause significant detrimental harm the living conditions of the neighbouring occupiers. Likewise, the use of household appliances on the first floor would not be unusual and the noise generated by them would not be disproportionate within a residential setting. Similarly, whilst the number of comings and goings may increase to a limited extent this would be unlikely to have a noticeable impact on the prevailing pattern of movement within what appears to be a well-used street.
12. Therefore, the proposed development would not cause harm to the living conditions of the occupants of the neighbouring dwellings. Consequently, the proposal would accord with Policy LLP25 insofar as it requires development of new housing to minimise noise, overlooking and overshadowing/loss of light among other matters.

Other Matters

13. The proposed external staircase would be partially visible from Farley Hill which is in the Luton South Conservation Area (CA). The immediate street scene is characterised by Victorian terrace development as well as modern residential development and black metal railings and gates are common within the CA. The staircase would only be partially visible within the CA and the appropriate use of materials, which could be secured by condition, would ensure that it would be an appropriate addition to the dwelling within the CA. The proposed rear sky lights have already been installed and are an appropriate size within the rear roofslope and are not uncommon within the CA. Consequently, the proposal would preserve the character and appearance of the CA.

Conclusion and Recommendation

14. Therefore, whilst the proposal would not cause harm to the living conditions of the occupiers of the neighbouring dwellings, the internal configuration of the flats would fail to provide a satisfactory standard of accommodation and would thereby result in poor living conditions for any future occupants of the

development. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

Chris Preston

INSPECTOR