



Appeal Decision

Site Visit made on 15 December 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2020

Appeal Ref: APP/B0230/W/20/3257980
55a Dordans Road, Luton, LU4 9BS

- 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 B Abbott against the decision of Luton Borough Council.
 - The application Ref 20/00450/FUL, dated 9 April 2020, was refused by notice dated 17 July 2020.
 - The development proposed is erection of side addition to existing single-storey rear extension and conversion of a dwelling house into two (2x) two-bedroom self-contained flats.
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Decision

1. The appeal is allowed and planning permission is granted for erection of side addition to existing single-storey rear extension and conversion of a HMO (Use Class C4) into two (2x) two-bedroom self-contained flats at 55a Dordans Road, Luton, LU4 9BS in accordance with the terms of the application, Ref 20/00450/FUL, dated 9 April 2020, and the plans submitted with it, 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: 470-DR-001 Site Location Plan; 470-DR-002 Block Plan; 470-DR-003 Existing Plans; 470-DR-004 Existing Elevations; 470-DR-005 Proposed Plans; 470-DR-006 Proposed Elevations and 470-DR-007 Proposed Block Plan.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form the description has been changed to the one that the Council used to deal with the proposal. This was agreed with the appellant during the consideration of the application and I have therefore used this in my formal decision.

Main Issues

3. The main issues are the effect of the development on the provision of larger family size units; the character and appearance of the area and the living conditions of the occupants of neighbouring properties with particular regard to noise and disturbance.

Reasons

Loss of family housing

4. The appeal site comprises a detached dwelling, located within a residential area. The building has been described by the Council in its decision notice as a House of Multiple Occupants (HMO) (Class C4), following correspondence with the appellant during their consideration of the application.
5. However, within the evidence submitted as part of the appeal, the Council consider that the dwelling is not being occupied as an HMO on the basis that whilst the building is currently occupied by two separate families they do not share any of the basic facilities such as bathrooms or cooking facilities/kitchens.
6. The definition of a Class C4 HMO is provided within the Town and Country Planning (Use Classes) Order 1987 (as amended) as a small shared house occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. The dwelling is accessed from the front through a single front door with access also available from the rear. The staircase to the first floor is located within one of the two lounges that are indicated on the existing floor plan. There is some degree of shared space as part of the circulation routes within the dwelling, which are required in order to access all areas of the property.
7. The plans provided as part of the appeal indicate that the property benefits from two kitchen areas, with the smaller one towards the rear of the site being more akin to a utility room and a bathroom on both the ground and first floor. The current layout provides access to all of the facilities and therefore there is an opportunity for these to be shared between all occupants. Therefore, on the basis of the evidence before me I am satisfied that on the balance of probabilities the dwelling is being occupied as a Class C4 HMO.
8. Policy LLP15 of the Luton Local Plan 2011-2031 (LP) states that permission should be granted for additional dwellings provided that it would not lead to the loss of a use for which there is a recognised local need. Table 1 of the Policy sets out that there is an identified need for both 2 bed and 4 bed dwellings with historic delivery demonstrating an unmet need for both 2 and 4 bedroom dwellings.
9. As a result of its occupation as an HMO, I do not consider that the conversion of the existing dwelling to two 2 bedroom flats would result in the loss of a 4 bedroom dwelling, which policy LLP15 seeks to resist. In addition, the proposal would result in the creation of two 2 bedroom flats for which there is a recognised need. Therefore, the development would accord with policies LLP1 and LLP15 of the LP which sets out the presumption in favour of sustainable development and relates to the provision of additional housing.

Character and appearance

10. The proposed conversion of the building would not result in any external changes to the front of the dwelling and therefore from the street the proposed development would continue to appear as a detached dwelling within the street scene. There is no objection to the proposed single storey rear extension and I consider that the development is of a scale commensurate to the existing

dwelling and would not result in any overdevelopment of the site as a result of its use as two separate dwellings.

11. In conclusion, there would be no harm to the character and appearance of the host dwelling and the surrounding area. The proposal complies with policy LLP25 of the LP which seeks development of a high quality design.

Living conditions

12. The appeal property is located in a residential street, with other dwellings in close proximity to one another. In this context the comings and goings from the occupants at the appeal property would not result in any undue increase in noise and disturbance to other residents. There is nothing to suggest that the occupancy of the building would result in any overcrowding, which can otherwise lead to an unreasonable level of noise and disturbance.
13. I consider that the occupation of the two flats would be modest and akin to the level of activity that could be similar to either a family occupying the property or the occupation of the dwelling as an HMO. Moreover, I have not been presented with evidence to suggest a harmful level of noise and disturbance resulting from the current occupation of the dwelling and there is no objection from the Council's Environmental Protection Team.
14. The property is already in use by two separate families and the appellant is seeking to formalise this through the provision of two separate dwellings. There is nothing before me to suggest that the current occupation of the appeal site has resulted in any harm to the living conditions of neighbours.
15. I therefore conclude that the appeal scheme would not harm the living conditions of the occupants of nearby properties, by virtue of increased noise and disturbance. The proposal would comply with policy LLP25 of the LP which requires development to minimise adverse amenity implications.

Conditions

16. The Council has not suggested any conditions but I have considered the advice in the Framework and Planning Practice Guidance and as well as the standard implementation condition, I have imposed a condition to ensure that the proposal is built in accordance with the approved plans to provide certainty.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

G Pannell

INSPECTOR