



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: 23rd December 2020

Appeal Ref: APP/B0230/W/20/3258477

40 Cardigan Street, Luton, LU1 1RR

- 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 E Claude against the decision of Luton Borough Council.
 - The application Ref 20/00633/FUL, dated 7 June 2020, was refused by notice dated 31 July 2020.
 - The development proposed is conversion and change of use of a three bedroom house to two 2 bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would provide acceptable living conditions for future occupiers, with particular reference to internal living standards, private amenity space and cycle storage.

Reasons

3. The proposed development would result in the subdivision of the existing dwelling to provide two 2 bedroom flats, which the Council acknowledge would meet a demonstrated need identified within the Luton Housing Market Area, as set out within the Strategic Housing Market Assessment. They also confirm that there is not a recognised local need for the current dwelling.
4. Policy LLP25 of the Luton Local Plan 2011-2031 (LP) requires all proposals to create quality places and provision should be made to optimise higher densities whilst delivering new housing in accordance with external space standards and ensure access to storage and privacy. However, whilst the supporting text to the policy highlights the need for any increased density to be informed by securing adequate internal and external space, the policy predates the introduction of the Nationally Described Space Standards (NDSS). The guidance within Housing: optional technical standards¹ is clear that these can only be applied by reference within a Local Plan to the nationally described space standard.
5. Therefore, whilst each of the proposed 2 bedroom flats would be smaller than the minimum sizes set out within the NDSS, I have had regard to the internal layouts proposed for each of the flats in considering whether they provide an

¹ <https://www.gov.uk/guidance/housing-optional-technical-standards>

adequate standard of accommodation. The lack of identified storage, the access from the street into the proposed bedroom of Flat 1 and the compromised head height within the loft rooms of Flat 2 all lead me to conclude that the proposed dwellings would not provide a high standard of amenity for future occupants as a result of their restricted internal size.

6. The proposal does not provide private amenity space and whilst it does provide a shared amenity space to the rear of the dwelling this is not via a level access as required by policy LLP25. I note that the appellant has indicated that due to the inter-relationship with no's 38-40 Cardigan Street it would be difficult to create a private amenity space. However, I have not been provided with any evidence to demonstrate that the subdivision of the site could not be achieved in order to meet the requirements of the policy.
7. In addition, Policy LLP32 requires cycle storage of an appropriate standard to be provided for residential developments, with appendix 2 stating that this should be conveniently located for users, offer security and be subject to surveillance. However, the submitted plans do not provide any detail of where cycles would be stored. This is of concern given that I have already found that it has not been demonstrated how the proposed outside amenity space could be divided to provide individual private spaces. Therefore, the imposition of a planning condition would not be appropriate in this case as I could not be certain that storage could be provided which would meet the required standards of convenience and surveillance.
8. For the collective reasons outlined above, I conclude that the proposed development would not provide acceptable living conditions for future occupiers of the dwelling in respect of internal living standards, provision of cycle storage and outside amenity space. It would therefore conflict with policies LLP15, LLP25 and LLP32 of the LP which relate to the provision of additional housing and seek to ensure development is of a high quality design with appropriate levels of cycle storage.

Other matters

9. I have taken into account that the development would result in dwellings which would meet an identified need, in a highly accessible location, that would contribute to housing supply in the area. However, these benefits are not of sufficient magnitude to outweigh my overall conclusion on the main issue.

Conclusion

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

G Pannell

INSPECTOR