



Appeal Decision

Site Visit made on 19 January 2021

by **Bhupinder Thandi BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 February 2021

Appeal Ref: APP/B0230/W/20/3260256

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 20/00591/FUL, dated 12 May 2020, was refused by notice dated 10 July 2020.
 - The development proposed is erection of first floor addition over retail unit to provide 1 no. studio flat.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of first floor addition over retail unit to provide 1 no. studio flat at 618B Hitchin Road, Luton LU2 7UG in accordance with the terms of the application, Ref 20/00591/FUL, dated 12 May 2020, subject to the conditions set out in the Schedule to this decision.

Application for costs

2. An application for costs was made by Mr A Mahmood against Luton Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area; and
 - Whether it would provide adequate living conditions for future occupiers, with particular regard to amenity space.

Reasons

Character and appearance

4. The appeal site is a single storey building currently occupied as a tattoo studio. The site is located within a local centre close to the junction of Hitchin Road and St. Thomas' Road. The junction is wide with a war memorial and pedestrianised island in the centre creating a focal point and giving the area an open and spacious character.
5. Due to the spacious setting, the low height of the nearby school building and the angled position of neighbouring property 618A Hitchin Road, the property is visible from within the surrounding area. The area includes a variety of building designs, but the prevailing character is two storey buildings with pitched roofs.

6. I have been made aware of the planning history for this site which includes a previously refused planning application and appeal for a proposal to construct a first floor to create a studio apartment accessed via an enclosed stairwell to the side of the existing building.
7. The proposed stairwell would be offset from the frontage and angled away from the building. However, in my view this would not be unacceptable. It would largely follow the form of the ground floor and would be a subservient element of the building being set back and set down from the main roof. It would be proportionate to the scale and form of the host property and would be reflective of roof forms in the area. The proposed development would be an appropriate design response when taking into account the size of the plot, its town centre setting and its relationship with No 618A, rather than appearing as contrived.
8. I acknowledge that there are no other front facing balconies within the street. However, it would be of a modest size and integrated into the design of the proposed development rather than appearing as a feature that has been bolted on. In my view, it would not dominate the appearance of the building and given the architectural variation locally I find that it would not unduly harm the character of the area.
9. I conclude that the proposed development would not unduly affect the character and appearance of the area. It would accord with Policies LLP1 and LLP25 of the Luton Local Plan (2017) (LP) which, amongst other things, requires development proposals to enhance the distinctiveness and character of the area by responding positively to townscape, the street scene, the site and building context. It would also accord with the guidance set out in the National Planning Policy Framework (the Framework) which, amongst other things, seeks to ensure that developments add to the overall quality of the area.

Living conditions for future occupiers

10. The proposed balcony would be elevated and set back from the highway and screened by a glass balustrade. In my view, these factors would ensure that the living conditions of future occupiers would be safeguarded and would not experience overlooking or a loss of privacy when using the balcony.
11. I conclude that the proposed development would provide future occupiers with satisfactory living conditions. It would accord with Policies LLP1 and LLP25 of the LP which, amongst other things, seek to deliver new housing with external amenity space and access to privacy. It would also accord with guidance in the Framework which, amongst other things, seeks to ensure developments with a high standard of amenity for future users.

Other Matters

12. The Council's decision notice does not allege harm in respect of the living conditions for future occupiers in respect of noise disturbance, even though the Officer's report refers to harm. Whilst the site is located within a local centre with a mix of daytime and evening uses as well as residential, there are no obvious uses or premises that generate significant noise levels. Based on the evidence before me, I am not persuaded that an assessment of the potential impact from nearby noise sources is required prior to determination. I am satisfied that this issue can be adequately dealt with by condition.

Conditions

13. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty.
14. In the interests of highway safety a condition for a construction management plan has been imposed.
15. The Council has suggested a condition for details of the storage of waste and recycling. However, sufficient information showing their position has been indicated on the submitted plans. As such, I find that the condition is not necessary and has not been imposed.

Conclusion

16. For the reasons set out above the appeal succeeds.

Bhupinder Thandi

INSPECTOR

Schedule of 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 plan: Site Location, Block Plan, Existing and Proposed Floor Plans and Elevations Drawing Number 18-947-P-01.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) No above ground construction works shall take place until a noise assessment has been submitted to and approved in writing by the local planning authority. The noise assessment shall identify and assess all potential sources of noise likely to impact on the site and identify suitable measures to protect the proposed development from noise. All works which form part of the scheme shall be completed before any part of the proposed development is occupied and retained thereafter for the lifetime of the development.