
Appeal Decision

Site visit made on 9 February 2021

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 1st March 2021

Appeal Ref: APP/B0230/W/20/3262240

33-35 Vista House, New Bedford Road, Luton LU1 1SE

- 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 South East Ventures Ltd against the decision of Luton Council.
 - The application Ref 20/01023/FUL, dated 14 August 2020, was refused by notice dated 6 October 2020.
 - The development proposed is described as, 'construction of roof extension to provide 7 flats (3 of which already approved by application 20/00333/FUL)'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The site lies within Luton town centre and comprises a four-storey building set among two and three storey mixed use units. It is sited in a prominent position facing a junction that leads to a large roundabout. While the existing building projects a storey above the rest of the terrace, it is in keeping with the modest scale of the adjacent buildings and character and appearance of the surrounding vicinity.
4. The existing building comprises two portions which are higher than the other parts of the building. Planning permission was granted by the Council in 2020 for the erection of an additional storey which would bring the height of the lower parts of the building roughly in line with the higher portions. Given the evidence, it appears likely that this permission would be implemented should this appeal fail, and thus forms a fall-back position.
5. The appeal scheme would increase the overall height of the building by an additional storey compared with the extant permission. This would result in a massing that would project at least two storeys above the rest of the terrace such that the proposal would appear unacceptably dominant from the approach along Mill Street as well as from the south of New Bedford Road, having a discordant effect on the street scene and surrounding area.

6. I acknowledge the changes to the design of the building in response to the pre-application process. I also note the other tall buildings in the area. However, they are generally either not directly adjacent to significantly shorter buildings or in different locations such that they do not form direct comparisons with the appeal site. In any event, each case must be determined on its individual merits.
7. The proposed materials of render and brick would be in keeping with the traditional materials of the host building and could be subject of a suitably worded condition. In addition, the additional storey would be set back from the perimeter of the existing building. However, these would not override the discordant effect on the character of the area that would arise from the proposed massing of the scheme.
8. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with Policy LLP1 of the Local Luton Plan 2011-2031 Adopted November 2017 (LP) which seeks, among other things, development that respond to and enhance local character. It would also conflict with LP Policies LLP3 and LLP25 which seek, among other things, high quality residential development that will respect the local distinctiveness of the town centre and enhance the character of the area by responding positively to the townscape. The scheme would also conflict with paragraph 127 of the National Planning Policy Framework in this respect.

Other Matters

9. I note the evidence regarding the sustainability of the location. I also acknowledge the evidence regarding housing supply, efficient use of land and density. However, while I note the Government's objective of significantly boosting housing supply and that small and medium sites can provide an important contribution to housing requirements as well as LP Policy LLP2, given the harm identified above, these matters have not altered my overall decision.
10. I acknowledge the lack of harm regarding internal space provision, amenity space, parking, flood risk, fire safety and living conditions of neighbouring occupiers. However, these matters carry neutral weight in the planning balance. While I note the evidence regarding permitted development rights, there is little evidence before me to demonstrate that any such scheme would be more harmful than the proposed development.

Conclusion

11. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR