



Appeal Decision

Site Visit made on 2 August 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2021

Appeal Ref: APP/B0230/W/21/3272009

34 Longcroft Road, Luton LU1 5RX

- 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 Mrs Chaudhry against the decision of Luton Borough Council.
- The application Ref 20/00947/FUL, dated 29 July 2020, was refused by notice dated 28 September 2020.
- The development proposed is residential dwelling conversion into 2 self contained flats.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties to this appeal have had the opportunity to comment upon any relevance of this to the outcome of the appeal.
3. The proposed development has already occurred. Indeed, two self-contained flats are already in place at the site. I shall consider the appeal in this context.

Main Issues

4. The main issues are:
 - The effect of the proposal upon the local housing stock, having particular regard to the mix of housing types;
 - The effect upon the character of the area; and
 - The effect upon neighbouring living conditions, having particular regard to the potential for noise and disturbance.

Reasons

Local housing stock

5. Policy LLP15 of the Luton Local Plan 2011-2031 (adopted November 2017) (the Local Plan) sets out, amongst other provisions, that the size, type and tenure of new dwellings should reflect the identified housing need requirements of the area as identified in the Strategic Housing Market Assessment (the SHMA). Furthermore, the policy indicates that planning permission shall be granted for residential development on sites not allocated for housing provided it would not lead to a loss of other uses for which there is a recognised local need.

6. Prior to its conversion, it is my understanding that the appeal property comprised a three-bedroomed dwellinghouse. This would seem logical when taking account of the property's overall size and makeup, and it has not been asserted otherwise. Now converted, a pair of one-bedroomed flats are in place.
7. With respect to market housing provision in the Luton Housing Market Area, the SHMA identifies that the bulk of the objectively assessed need is for three-bedroomed houses (as opposed to for small-sized flatted properties). The latest Strategic Housing Land Availability Assessment that I have access to (November 2019) (the SHLAA) sets out a profile of recent housing development within the Borough and confirms that development activity continues to be concentrated on the provision of smaller properties, reflecting the delivery of flatted accommodation.
8. The SHLAA sets out that a particularly high number of one-bedroomed units have been delivered in recent times, in numbers that far exceed the associated level of need as specified in the SHMA. In contrast, the number of three-bedroomed units that have been delivered recently falls far short of the level of need identified in the SHMA. In this context, I see merit in the Council's approach of seeking to retain three-bedroomed family houses and resisting their conversion. Indeed, three-bedroomed houses would, realistically, be challenging to replace within a densely populated Borough where it is reasonable to suppose that buildable vacant land is in short supply.
9. I accept that one-bedroom flats would be more affordable to persons on low income, but this does not justify the loss of a three-bedroom family home. Indeed, the evidence before me indicates that a high number of alternative potential options for tenants seeking one-bedroomed flatted accommodation have been introduced to the local housing market in recent times.
10. For the above reasons, the proposal causes harm to the local housing stock having particular regard to the mix of housing types. The scheme conflicts with Policies LLP1 and LLP15 of the Local Plan in so far as these policies indicate that the provision of dwellings in the Borough shall help meet the housing needs of Luton and the Luton Housing Market Area.

Character of the area

11. I have not been made aware of any existing flats located close to the site. Indeed, the location where Longcroft Road merges into Ashburnham Road (as referred to by the appellant) is a considerable distance away. It is also my understanding that there are no registered Houses in Multiple Occupation situated on Longcroft Road. The residential character of the appeal site's immediate surroundings is thus dominated by the presence of dwellinghouses, which tend to be occupied by single families and set upon sizeable individual plots.
12. I accept that no external alterations have been required to implement the scheme and merely the conversion of a single dwellinghouse is under retrospective consideration. However, at odds with the prevailing character of the area, the scheme results in a material intensification in the way the appeal site is used/occupied. This includes the site's external spaces, which are now required to provide an amenity function for two separate households. Such arrangements are inconsistent with the typical makeup of local properties.

13. For the above reasons, the proposal causes harm to the character of the area. The scheme conflicts with Policies LLP1 and LLP25 of the Local Plan in so far as these policies require that development proposals should enhance the distinctiveness and character of the area.

Living conditions

14. The conversion that is under consideration has realistically led to some additional activity occurring at the site, likely including increased visitor numbers and a higher level of comings and goings. However, being centred upon the provision of one additional unit of accommodation, I am unpersuaded that the scheme materially impacts the local noise environment. This is even when noting the proximity of neighbouring occupiers and any possible susceptibility of first floor bedroom areas to noise and disturbance.
15. For the above reasons, the proposal does not cause harm to neighbouring living conditions having particular regard to the potential for noise and disturbance to occur. The scheme accords with Policy LLP25 of the Local Plan in so far as this policy indicates that development proposals for new housing should minimise noise.

Planning Balance

16. In terms of the scheme's benefits, it is the case that an additional residential unit is proposed in an urban location where the principle of residential development is typically supported. Indeed, the Framework reaffirms the Government's objective of significantly boosting the supply of homes. Nevertheless, whilst I have no reason to doubt that the conversion works have been carried out to a high standard, one additional unit does not make a noticeable difference to the Borough-wide housing supply situation and is a benefit that attracts limited weight. This is even when factoring in the likely affordability of small, flatted units and any associated economic implications of the Covid-19 pandemic.
17. The scheme's contributions are modest and do not outweigh the harms and associated policy conflicts that I have identified. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

18. Whilst I have found that the scheme has an acceptable effect upon neighbouring living conditions (having particular regard to the potential for noise and disturbances to occur), I have identified harmful effects upon the local housing stock and upon the character of the area. These harms are the overriding considerations in this case. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR