



Appeal Decision

Site Visit made on 13 September 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/B0230/W/21/3273311

46 Bishopscote Road, Luton LU3 1PB

- 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 M Iqbal against the decision of Luton Borough Council.
 - The application Ref 20/01560/FUL, dated 13 December 2020, was refused by notice dated 10 March 2021.
 - The development proposed is erection of first floor side/rear extension and rear loft dormer to create additional one bed flat.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of first floor side/rear extension and rear loft dormer to create additional one bed flat at 46 Bishopscote Road, Luton LU3 1PB in accordance with the application, Ref 20/01560/FUL dated 13 December 2020 subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: Site Location and Block Plan Drawing Number A501 Rev A; Existing Floor Plans Drawing Number A101; Proposed Floor Plans Drawing Number A102; Existing Elevations Drawing Number A201 and Proposed Elevations Drawing Number A202 Rev A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

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 it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. Both main parties have been given the opportunity to comment on this. My decision is made in the context of the revised Framework and I am satisfied that no interested party has been prejudiced by my approach.

Main Issues

4. The main issues are:

- Whether the proposal would provide a suitable housing mix; and
- The effect of the proposed development upon the character and appearance of the area.

Reasons

Housing Mix

5. Based on the information before me the appeal property includes a two bedroom flat which would be retained, albeit reconfigured. The proposal would create an additional one bedroom flat.
6. Policy LLP15 of the Luton Local Plan (2017) (LLP) sets out that the size, type and tenure of new dwellings should reflect the identified housing need requirements of the area identified in the Strategic Housing Market Assessment (SHMA). At criterion B, the policy indicates that planning permission will 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.
7. Whilst LLP Policy 15 sets out that new dwellings should reflect the requirements in the SHMA it does not state there is a limit on developments of this size. I acknowledge that the Officer's report states that there is an over provision of one-bedroom units. However, I have not been provided with any substantive evidence to support this.
8. Even so, I am not persuaded that the provision of a one bedroom flat in this location would unacceptably undermine the Council's overall housing strategy, particularly as the proposal would not result in the loss of a larger dwelling or another use and would provide a mix of flats on the site. Consequently, the proposal would accord with LLP Policy 15.
9. It would also accord with the Framework which, amongst other things, seeks to significantly boost the supply of homes and supports the development of windfall sites.

Character and appearance

10. The appeal site comprises a two storey end terrace property located within a parade of shops. The property is in retail use at ground floor and extends over almost the entire plot, with a flat above. The rear of properties in the retail parade have been altered including by extraction flues, air conditioning units and a dormer window resulting in a degree of irregularity.
11. The property sits on a prominent and spacious roundabout junction. Corner properties in the locality benefit from side extensions but respect this spaciousness.
12. Running along one side of the property is St James Road which is residential largely comprised of similar styled terraced dwellings and offers views of the rear of the host property and retail parade. Despite the Council's contention

there is no defined building line along St James Road in part due to corner buildings being positioned closer to the highway, including the host property.

13. Whilst the proposed development would extend the first floor closer to the highway and would be visible from within the area, I find that it would be proportionate to the size of the host property and would not be overly dominant. The extension would represent a subservient addition through its size, set back and lower ridge line.
14. The dormer window proposed would change the form and appearance of the roof, but it would be contained within the roof space of the host property, set down from the ridge and set in from the sides. Its height, width and design would not unacceptably dominate the roof slope.
15. I note the Council's comments in relation to the neighbouring dormer window, but it is nonetheless a feature that makes up part of the area's character and appearance.
16. As such, I am satisfied that the proposed development would not be unduly prominent within the area or unacceptably erode the sense of spaciousness that exists at the road junction.
17. I conclude that the proposed development would not unacceptably harm the character and appearance of the area. It would accord with LLP Policies 1, 15 and 25 which, amongst other things, require new development to preserve or enhance the character of the area and respond positively to townscape and site and building context.
18. It would also accord with the Framework which, amongst other things, requires developments to add to the overall quality of the area and to be sympathetic to local character and history, including the surrounding built environment.

Other Matters

19. The Council's decision notice does not allege harm in respect of future occupier's living conditions relating to the provision of external amenity space, even though the Officer's report refers to harm.
20. The existing flat within the host property does not benefit from external amenity space. However, this is not untypical given the flat is located above a shop. Furthermore, Appendix 6 of the LLP recognises that occupiers of flats do not expect the same level of amenity space compared to house dwellers and only where feasible communal amenity space should be provided.
21. I acknowledge that the proposed flat would not benefit from external amenity space and based on the information before me provision would not be feasible. However, future residents would be able to use nearby open spaces located within a short distance offsetting the lack of external amenity space on site.
22. I note the Council consider that the proposal would give rise to additional local parking issues. It is likely that future occupiers and visitors to the appeal property would have to park on the street. However, only a modest, 1 bedroom flat is proposed and at present there are no parking restrictions or controls on surrounding roads. Based on observations at my site visit, and taking into account the comments of the Highways Officer, I am therefore satisfied that any additional parking could safely and conveniently take place without

intensifying parking pressures in the area to such an extent that it would prejudice highway safety.

23. The Council consider that the proposal would set an unwanted precedent for similar proposals. However, every appeal is considered on its own merits and in this particular case there is no substantive evidence to indicate that the proposed development would result in a precedent.

Conditions

24. I have considered the imposition of conditions in accordance with the Framework and Planning Practice Guidance. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty. A condition in relation to external materials is necessary in order to ensure the satisfactory appearance of the development.

Conclusion

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

B Thandi

INSPECTOR