



Appeal Decision

Site visit made on 22 June 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/B0230/W/21/3266369 609 Hitchin Road, Luton LU2 7UW

- 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 B Henderson against the decision of Luton Council.
 - The application Ref 20/01199/FUL, dated 1 October 2020, was refused by notice dated 26 November 2020.
 - The development proposed is erection of 3 two-bed duplex flats with associated off-street parking after demolition of rear of property and erection of first floor side extension over A1 ground floor retail to provide 1 two-bed duplex flat.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 3 two-bed duplex flats with associated off-street parking after demolition of rear of property and erection of first floor side extension over A1 ground floor retail to provide 1 two-bed duplex flat at 609 Hitchin Road, Luton LU2 7UW in accordance with the terms of the application Ref 20/01199/FUL, dated 1 October 2020, and the conditions set out in the Schedule of Conditions to this Decision.

Preliminary Matter

2. Since the appeal was lodged, a revised version of the National Planning Policy Framework, 2021 ('the Framework, 2021') has been released. The main parties have been consulted on this and I have taken this into account where relevant to my Decision.

Main Issues

3. The main issues are: The effect of the proposal on the character and appearance of the area; the effect of the proposal on the living conditions of neighbours; and whether the proposed accommodation would be of an acceptable quality.

Reasons

Character and appearance

4. The appeal property is a semi-detached commercial unit at the junction of Hitchin Road and Venetia Road. It comprises the original building fronting onto Hitchin Road, with a pitched roof, along with a similar two-storey element behind this. The flank elevations of these two-storey parts of the building are set back from Venetia Road behind a single-storey extension which also

extends to the rear of this property. Beyond the single-storey rear extension is an area of undeveloped land used for vehicle parking.

5. The front of the site along Hitchin Road forms part of a designated shopping frontage. Development along here includes two and three storey traditional terraced and semi-detached properties which incorporate commercial frontages at ground floor with other uses above. Venetia Road is predominantly residential in character and includes bungalows, two-storey detached and semi-detached buildings along a building line with some variations. Consequently, development in the area is in a range of traditional forms with some variations in style, layout and scale.
6. In views from the highway, the existing single-storey extension at the appeal property appears as a substantial parapet wall with limited articulation, located at the back of the pavement. Although this is similar to a single storey extension at 611 Hitchin Road, it does not reflect the broader character of the area or add any significant sense of spaciousness to it.
7. The extensions to the appeal property include a side and rear extension which would be consistent with its height and form. In particular, the twin gabled elevation facing Venetia Road, would reflect the form of the existing two-storey flank gables of the appeal property. The scheme also incorporates a single storey element to reflect the existing design of the appeal property and that of 611 Hitchin Road. The chamfered corner on this proposed extension references the existing layout of the building and would complement the overall design.
8. To the rear of the site a pair of flats are proposed. Separated from the development along the front of the site by a visitor parking area, these have been designed to appear as a pair of semi-detached dwellings, with a similar form and height to the neighbouring dwellings along Venetia Road. Three of the proposed flats would face this road and include small front gardens and separate entrances. In combination with the overall layout, these would provide active frontages and create a softer and stepped building line, which would complement the existing arrangement of dwellings along this road.
9. The creation of two blocks with different forms and spacing between them along with heights that are comparable with neighbouring developments, would mitigate the effects of the increase in scale and massing arising from the proposal.
10. The design of the development would introduce a varied scale and arrangement to its doors and fenestration, this would add interest to its modern appearance and provide a degree of coordination between the two separate blocks. Furthermore, the use of traditional building forms and materials would assist the new development to assimilate with and contribute to the varied architecture and styles in the area.
11. For the above reasons, the proposed development would respond positively and complement the existing townscape and the character and appearance of the area. The proposal would, therefore, be consistent with the design aims of Policies LLP1, LLP15 and LLP25 within the Luton Local Plan 2011-2031 ('LP').

Living conditions (neighbours)

12. The first floor flat at 607 Hitchin Road incorporates a north facing window which faces the roof garden for this property. However, the garden and views from the window are already enclosed by existing boundary fencing. Furthermore, the proposed scheme has been designed to minimise the impact on this flat by including a gap in the development along the side of its roof garden. As a consequence of the existing and proposed arrangements, there would be no unacceptable loss of daylight or outlook for the occupiers of this property.
13. The proposed development would extend beyond the ground floor flat at 607 Hitchin Road, this incorporates an entrance door and two windows. However, these windows are obscure glazed and north facing towards the flank elevation of 1 Venetia Road. Therefore, whilst the development would increase a sense of enclosure to this flat, because of the existing arrangement, this would not unacceptably harm the living conditions of its occupants in respect of loss of daylight. This arrangement would also enclose the access to this flat. Nevertheless, this is a relatively short access which would still be afforded some surveillance from the existing and proposed properties along Venetia Road. Therefore, I do not share concerns that this arrangement would encourage anti-social behaviour.
14. Any additional activity generated by the movement of people and vehicles arising from four new dwellings would be modest, which, in part, would be offset by the removal of an area available for vehicle parking. Moreover, because the appeal site forms part of a designated shopping area, this already generates considerable levels of activity. Therefore, against this background, the proposal would not result in any unacceptable harm to the residents of Venetia Road or nearby businesses with regard to noise and disturbance.
15. For the above reasons, the proposal would not harm the living conditions of neighbours. Accordingly, I find no conflict with Policies LLP1, LLP15 and LLP25 of the LP which collectively seek to secure high quality design in developments that safeguard the living conditions of neighbours.

Quality of the proposed accommodation

16. In considering the quality of the proposed accommodation, the Council has referred to the Technical housing standards – nationally described space standards (NDSS). There is no local planning policy that makes a direct link to these technical standards, they are therefore for guidance only.
17. The floor plans for the 1 x 2-bedroom duplex (72sqm) and the 2 x 2 bed duplex (75sqm) show double beds in each bedroom. As such, these could be occupied as 4-person duplex flats and would therefore fall short of the above space standards for this type of accommodation. Nonetheless, the occupancy of these properties has not been defined and therefore these flats could also be occupied as 3 person units, in which case they would meet the above space standards. The proposed 1 x 2-bedroom duplex flat above the retained retail unit (62sqm) would fall short of the NDSS gross internal floor space requirements by about 8sqm. Nevertheless, as I have only applied the NDSS as guidance any conflict with these, cannot attract significant weight.

18. Notwithstanding the above, all of the proposed flats are arranged with logical and usable open plan kitchen/living areas with sizeable bedrooms, and adequate bathroom facilities. Also, an acceptable level of daylight, outlook and privacy is afforded to all the dwellings. The Council has also confirmed that the external amenity spaces are considered to be in accordance with its standards. There is also sufficient parking for the development. Therefore, whilst the development may not comply fully with the NDSS, I do not believe that this factor, in this instance, is indicative of a poor quality or cramped form of development.
19. In light of the above reasons, I am satisfied that the proposed accommodation would be of an acceptable quality. The proposal therefore accords with Policies LLP1, LLP15 and LLP25 of the LP, which amongst other things seek to create high quality and healthy places, which do not result in the over-intensification of sites.

Other Matters

20. I have taken account of the concerns raised in relation to the effects of proposal on access for fire service rescue vehicles to the adjoining building. However, the Bedfordshire Fire and Rescue service were consulted on the scheme before me and raised no specific concern in respect of this. The effects of the proposal on property values is not relevant to the determination of this appeal.

Conditions

21. Having regard to the tests in the Framework, 2021 and the advice in the Planning Practice Guidance, in addition to the standard timescale condition, I have imposed a condition specifying the relevant plans and documents as this provides certainty. A condition relating to proposed materials and landscaping is necessary in the interests of the appearance and finish of the development.
22. To ensure that sufficient parking is retained for the approved development, I have specified a condition for the provision and retention of the approved car ports and visitor parking spaces.
23. Based on the modest scale of the proposed development, a Construction Management Plan is not necessary. However, because the development would take place in proximity of dwellings and businesses, a condition controlling the timing of works and deliveries associated with the site's development is necessary to safeguard the living conditions of neighbours.
24. Given that the proposal is in an area which includes other dwellings and having regard to the requirements of Building Regulations, I do not consider that a condition requiring a Noise Assessment is necessary. There are also no strong reasons for me to conclude that it is necessary to require a desktop land contamination survey to be undertaken.

Conclusion

25. For the above reason, I conclude that the appeal should be allowed.

M Aqbal
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be undertaken in accordance with the following approved plans and documents: 19110-03-02-001 Location Plan; 19110-03-02-002 Block Plan; 19110-03-03-002 Existing Plans; 19110-03-05-001 Existing Elevations; 19110-03-05-002 Existing Side Elevation; 19110-03-03-003 Proposed Floor Plans; 19110-03-05-003 Proposed Elevations; 19110-03-05-004 Proposed Side Elevation; 19110-03-05-005 Proposed Side Elevation; 19110-03-05-006 Proposed Street Elevations; DC01-Design and Access Statement, Transport Statement (September 2020) and Supporting Retail Statement (May 2020).
- 3) No development shall commence above slab level, until details of all external facing materials including doors, windows boundary treatments along with details of soft and hard landscaping have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.
- 4) Demolition, clearance or construction work and deliveries to and from the site in connection with the development hereby permitted shall only take place between the hours of 08.00 and 18.00hrs Monday to Friday and 08.00 and 13.00hrs on a Saturday. There shall be no demolition, clearance or construction work or deliveries to and from the site on Sundays or on Bank or Public Holidays.
- 5) Prior to the first occupation of the dwellings hereby approved, the car ports and visitor parking spaces shall be provided in accordance with submitted plans and retained for vehicle parking for the life of the development.