



---

# Appeal Decision

Site visit made on 14 December 2021

**by A Tucker BA (Hons) IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 January 2022**

---

**Appeal Ref: APP/B0230/W/20/3265735**

**7-9 George Street West, Luton, LU1 2BJ**

- 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 E Mahmuntaj of Sherrif Construction against the decision of Luton Borough Council.
  - The application Ref 20/01000/FUL, dated 11 August 2020, was refused by notice dated 12 November 2020.
  - The development proposed is internal alterations to change the use from B1 office to C3 residential comprising of 6 mixed flat units 4 one bed units, 1 two bed unit and 1 three bed unit.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. On 20 July 2021, after the Council made its decision, the Government published its revised National Planning Policy Framework (the Framework). Both parties have had an opportunity to comment on the revisions where they may be relevant to the case, and any comments received have been taken into account in determining the appeal.
3. 7 and 9 George Street West is a grade II listed building. The appellant submitted applications for planning permission and listed building consent for the proposal. Whilst the Council refused the application for planning permission I am advised that it granted listed building consent.
4. There is some discrepancy between the plans submitted with the appeal and those that the Council has referred to on its decision notice. The Council has however confirmed that it did consider plan TP3C when it made its decision. A revised version of this plan and plan TP2B was submitted with the appeal. Revised plan TP3C shows amendments to the annotation by referring to Flat 6 as a 4 person flat, and Flat 4 as a one bedroom 2 person flat with study. Revised plan TP2B shows an amended layout to the lobby and Flat 1, which increases the floor area of Flat 1. Both changes are minor in nature. I do not consider the interests of any party to be prejudiced if I take the revised plans into account. I shall therefore determine the appeal on this basis.

## Main Issues

5. The main issues are whether the proposal would:
  - a) be acceptable in principle with regard to the loss of the existing use,

- b) secure adequate living conditions for future occupiers, with particular regard to layout and outlook, and
- c) provide housing that would meet an identified need, with regard to local policy.

## **Reasons**

### *Loss of existing use*

- 6. The proposal would see the existing building converted to a residential use, replacing the existing office use. Policy LLP13 of the Local Luton Plan 2011-2031 (LLP) seeks to retain existing employment uses to retain and deliver jobs.
- 7. Policy LLP14 of the LLP makes provision for employment sites to be redeveloped that have been vacant for at least 12 months. At my visit to the site part of the building was still in office use. The proposal cannot therefore comply with this Policy.
- 8. The building is within the town centre boundary as defined by the LLP and close to other buildings in similar uses. There is no evidence before me to suggest that the existing use is no longer suitable or viable. Neither is there anything to suggest that alternative suitable accommodation is available at comparable rents.
- 9. In summary, the loss of the existing use would not be acceptable in principle as it would be contrary to Policies LLP1, LLP13, LLP14 and LLP15 of the LLP, which together seek to ensure that existing employment sites are protected.

### *Living conditions*

- 10. The Council is of the view that the proposal does not accord with the nationally described space standard (NDSS). However, the planning practice guidance establishes that where a Council wishes to require an internal space standard they should only do so by reference in their Local Plan to the NDSS<sup>1</sup>. There are no details before me to demonstrate that the Council has a local plan policy that refers to the NDSS. As such I can give this specific matter little weight.
- 11. I can however make my own assessment of the adequacy of the accommodation proposed with regard to whether it would provide future occupants with an acceptable living environment. The revised plan suggests that a Flat 4 would be a one bedroom unit with a second room set aside as a study. It is however clear that this second room is laid out and sufficiently sized to serve as a second bedroom. I therefore take the view that this unit should also be considered to have two bedrooms.
- 12. Flat 4 would have a single room that would serve as a kitchen, dining area and living room. As well as being modestly sized, this room would also be constrained by a projecting chimney breast and bay window. I am not satisfied that it would be sufficiently sized to meet the needs of a 3 person flat, which could provide a home for a small family.
- 13. Other flats would have a better layout, with larger living areas. The basement flats would require the excavation of some land at the rear to provide external patio areas. Whilst I accept that the plans are not entirely clear regarding the

---

<sup>1</sup> Planning Practice Guidance Paragraph: 018 Reference ID: 56-018-20150327

extent of soil that would need to be removed, based on my observations on site I am satisfied that this work would not be excessive and there is no evidence before me to conclude that it would not be achievable. On the basis that these patio areas are provided these flats would have a good southeast aspect at the rear, which would give a pleasant outlook over generous areas of private outdoor space that are well orientated and not obstructed by other nearby buildings.

14. In summary, the layout of Flat 4 would not secure adequate living conditions for future occupiers. It would not accord with Policies LLP1, LLP15 and LLP25 of the LLP and the Framework, which together seek to ensure that development proposals are well designed to promote health and well-being, with a high standard of amenity for future users.

#### *Housing need*

15. Policy LLP15 of the LLP relates to housing provision within the Borough, and seeks to ensure that housing delivered reflects the identified housing need requirements for the area. The Council advises that there is an over provision of one bedroom units. The last part of the Policy establishes that development should achieve a mix of different housing sizes.
16. The proposal is for six flats. Four would be one bedroom units and one would be a three bedroom unit. As I have already established, Flat 4 should be regarded as a two bedroom unit.
17. The proposal would therefore provide a mix of different housing sizes. I accept that more than half of the units would be one bedroom, however two of the one bedroom units would have generous and well orientated private gardens, and three different layouts would be used that may suite different needs and thus some variety is provided in the provision of the smaller units.
18. In summary, the proposal would provide a mix of housing sizes sufficient to meet the identified need, in accordance with Policies LLP1 and LLP15 of the LLP.

#### **Other Matters**

19. The proposal would deliver six new residential units in a location with good access to nearby services and facilities. However, this benefit would not be sufficient to outweigh the harm I have found in relation to the loss of the existing use, and the proposal's failure to provide adequate living conditions for future occupiers.
20. I am mindful that the Council has granted listed building consent for the proposal. The Council is satisfied that the proposal would preserve the character of the Luton Town Centre Conservation Area (LTCCA), within which it is situated. On the basis of the information before me and my assessment of the proposal including my observations on site I am satisfied that the proposal would preserve the building's special interest and the character of the LTCCA, having regard to sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. There is however nothing before me to suggest that the proposal would deliver any particular benefits to the building's special interest or to the LTCCA. These matters are therefore neutral and do not weigh in favour of the proposal.

## **Conclusion**

21. In conclusion, the proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, the appeal should be dismissed.

*A Tucker*

INSPECTOR