



Appeal Decision

Site visit made on 19 January 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2022

Appeal Ref: APP/B0230/W/21/3279629

70 Pembroke Avenue, Luton LU4 9BJ

- 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 Asif Hussain against the decision of Luton Borough Council.
 - The application Ref 21/00254/FUL, dated 19 February 2021, was refused by notice dated 2 June 2021.
 - The development proposed is the conversion and change of use of a five-bedroom town house into two x four-bedroom town houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) whether it would provide satisfactory living conditions for its future occupiers with respect to internal living space and outdoor amenity space; and
 - iii) the effect on highway safety.

Reasons

Character and appearance

3. The appeal site accommodates a three-storey end of terrace townhouse which has been subject to a three-storey side extension. There are four houses in the terrace and two other similar terraces to the north. The houses in these terraces are consistent in their height, width, roof design, materials and fenestration. Also, they are distinctive in their setting as they differ starkly from the predominant form of surrounding houses which are two-storey, semi-detached or terraced houses. Their uniformity is a strong characteristic which contributes positively to the character and appearance of the area, and is emphasised by their contrast with surrounding dwellings
4. The proposal would effectively convert the side extension to create a separate dwelling. It would be manifest in the provision of a new front porch.
5. The extension is substantially narrower than the main house and appears as a subordinate extension to it. However, as a separate dwelling, it would be patently narrower than the original townhouse and all the other townhouses in the row. Therefore, in the context of the uniform width of the other terraced

houses, the proposed house would appear incongruous. It would detract from the strong visual uniformity of the row and so would harm the character and appearance of the area.

6. The development would make a more efficient use of the site, which is supported by national policy and policy LLP25 of the Luton Local Plan (the 'Local Plan'). Nonetheless the need for development to respect the character of the area including in terms of its pattern and scale remains. As such, the proposal would conflict with policies LLP1 and LLP25 of the Local Plan which seek to ensure proposals respond to local character and the townscape.

Highway safety

7. The hardstanding area at the front of the site is large enough to accommodate three cars. The Council's parking standards require a maximum of three parking spaces for four-bedroom houses. Consequently, there would be a maximum shortfall of three spaces for the development overall.
8. Occupiers of the development would have reasonable access to public transport services and there are corner shops nearby for convenience shopping. Nonetheless, I do not consider the parking provision to be sufficient for the likely increased demand for more car parking spaces generated by an additional dwelling, and so it would be likely that some cars would need to park on the road.
9. At the time of my lunchtime site visit the amount of available on-street parking space was limited, and I would anticipate availability is even less during the evenings. Indeed, due to the number of dropped kerbs nearby, particularly in front of the terraced houses, there is little space for on-street parking at any time. With such limited opportunities for on-street parking, the additional parking demand generated by the development could result in cars being parked on street corners or in other dangerous positions. As such the development would most likely lead to an adverse effect on highway safety. It would therefore fail to accord with Local Plan policy LLP31 which states that development should reduce the safety risk to motor vehicles, non-motorised and vulnerable users.

Living conditions

10. The two dwellings would each have three double bedrooms and one single bedroom. The Council note that two of the double bedrooms in each property would be less than 11.5m², and refer to the Nationally Described Space Standards (NDSS) which require double bedrooms to be at least 11.5m². They also suggest the total floor area of the new dwelling would be below that required by the NDSS. However, the national Planning Practice Guidance advises that local planning authorities can only apply internal space standards if their policies refer to the NDSS. The Council's policies provided to me do not.
11. Notwithstanding this, policy LLP25 requires development to be well designed. From my site visit, at which I entered all the rooms, I do not consider the double bedrooms (of which the smallest would be 10m²) or the total size of the new dwelling would be unacceptably small.
12. With regard to outdoor space, the plans show that the two rear gardens would measure 62m² and 66m². Appendix 6 of the Local Plan states that rear gardens should measure 90m² but that smaller areas may be acceptable having regard

to, among other things, the character of the area, subject to a minimum size of 45m².

13. Although the garden spaces would be smaller than the desired size, they would be well above the minimum and would be broadly similar to those of the other houses in the terrace. It is considered that, in that context, the garden sizes for each dwelling would be satisfactory.
14. Consequently, the proposal would provide acceptable living conditions in terms of both indoor living space and outdoor amenity space. In this respect therefore, it would accord with policy LLP25 which aims to secure high quality design.

Other Matters

15. It is recognised that policy LLP15 advises that a mix of housing types will be sought and that the Council advise there is a need for more four-bedroom units, such as that proposed. However, the proposal would make a limited contribution to that need and so I give this matter only modest weight.

Conclusion

16. Although the development would provide satisfactory living conditions, it would harm the character and appearance of the area and compromise highway safety. As a result, it would conflict with the development plan as a whole and there are no other material considerations that support a decision other than in accordance with the development plan. Therefore, for the above reasons the appeal is dismissed.

Andrew Owen

INSPECTOR