



Appeal Decision

Site visit made on 16 March 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2022

Appeal Ref: APP/B0230/W/21/3285098

24 Mansfield Road, Luton, LU4 8NA

- 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 Charles Kpodo against the decision of Luton Borough Council.
 - The application Ref 21/01127/COU, dated 6 August 2021, was refused by notice dated 4 October 2021.
 - The development proposed is described as "conversion of single family dwelling (C3) into seven person HMO (Sui Generis)."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The property was in use as a house in multiple occupation (HMO) with seven equipped bedrooms at the time of my visit. I have determined this appeal accordingly.

Main Issues

3. The main issues are:
 - The effect of the proposed development on family housing in the borough,
 - The effect on the character of the area; and,
 - The effect on living conditions of neighbouring occupiers.

Reasons

Family housing

4. Policies LLP1 and LLP15 of the Luton Local Plan 2011-2031 (the LP) collectively state that provision for new housing in the borough must reflect the identified housing need requirements of the area in the Strategic Housing Market Assessment (SHMA). The SHMA identifies a particular need for 3 bedroom houses in the borough, as well as a need for larger houses.
5. While there is also a requirement for HMOs to meet identified housing need, the need for family housing is significantly greater. The property has a licence to operate as an HMO, but that is assessed under separate legislation. The granting of planning permission for conversion of the property to an HMO would result in the loss of a family dwellinghouse, adding to the established need for such housing in the borough.
6. The appeal proposal therefore conflicts with the objectives of Policies LLP1 and LLP15 of the LP identified above.

Character of the area

7. The appeal proposal would not involve any further external alterations to the property. There are no other houses in the street that have been converted for multiple occupancy. Any future proposal for dwelling conversions in the street would fall to be assessed on its own merits, which would include the cumulative effect of any prior conversions. In this instance, a single conversion on this street would not cause harm to the character of the area.
8. The appeal proposal would therefore accord with the relevant criteria of Policies LLP1, LLP17 and LLP25 of the LP. Taken together these require that the sub-division of an existing building to create an HMO not adversely affect the character of the area.

Living conditions

9. The proposal would provide accommodation for seven individuals. The house has five rooms that could be used as bedrooms on the first and second floors and could accommodate a family of similar size. It could also be used as an HMO for up to six people without requiring planning permission.
10. Mansfield Road is a busy street with several commercial properties interspersed along its length. While the proposed development would result in a more intensive use of the property than would be possible without planning permission, the difference in disturbance to neighbouring occupiers between six people and seven people living in an HMO would be relatively small.
11. Given these considerations, the appeal proposal would not cause unacceptable harm to the living conditions of neighbouring occupiers. It would therefore accord with Policies LLP1 and LLP25 of the LP. These policies require, amongst other criteria, that development create high quality and healthy places.

Other Matters

12. The appeal site is within the zone of influence for the Chiltern Beechwoods Special Area of Conservation (the SAC). This matter has not been raised by the parties, but nevertheless I have a duty under the Conservation of Habitats and Species Regulations 2017 to determine whether a proposed development could significantly harm the protected features of the SAC. However, as I am dismissing the appeal on other substantive grounds, it is not necessary to address this matter any further.

Conclusion

13. The appeal proposal would result in the loss of family housing, which is contrary to aims of the development plan taken as a whole. There are no material considerations to indicate that the appeal should be determined otherwise than in accordance with the development plan.
14. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR