
Appeal Decision

Site visit made on 16 August 2022

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2022

Appeal Ref: APP/B2030/W/22/3291994

31 Elgar Path, Luton LU2 7RJ

- 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 Victor Oji against the decision of Luton Council.
 - The application Ref 21/01337/FUL, dated 24 September 2021, was refused by notice dated 19 November 2021.
 - The development proposed is conversion of a 5 bedroom dwellinghouse into 2 flats.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of a 5 bedroom dwellinghouse into 2 flats at 31 Elgar Path, Luton LU2 7RJ in accordance with the terms of the application, Ref 21/01337/FUL, dated 24 September 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: 01/03, 02/03 and 03/03.

Main Issue

2. The main issue is the effect of the development on the housing mix of the area.

Reasons

3. The appeal relates to a semi-detached dwelling in a predominantly residential area. The proposal would involve the conversion of the five bedroom property into 1 no. 2 bed flat and 1 no. 1 bed flat. In terms of housing mix, the Council's primary concern is that the development would result in the loss of a three-plus bedroom family dwelling. The Strategic Housing Land Availability Assessment (SHLAA) (2019) data provided in the Council's report indicates that, compared to the need identified, there has been an oversupply of one bed dwellings and a shortfall in three and four-plus bed units.
4. Policy LLP15 of the Luton Local Plan 2017 (LP) states that provision will be made for 8,500 dwellings to meet housing needs, provided that reflects the needs requirements set out in the Strategic Housing Market Assessment (SHMA). The policy also states that development should achieve a mix of different housing sizes, types and tenures, informed by various evidence. The data provided is from the SHLAA rather than the SHMA. However, this still suggests that there remains a need for two bed dwellings across the district.

5. The need for three bed dwellings appears significantly larger. The loss of a single three-bed plus dwelling would therefore marginally increase the need for such units across the district. However, the development would still help meet a recognised need in itself. This would remain consistent with the above policy's requirement of meeting identified needs and contributing to a mix of dwelling types. The development would be beneficial in this regard. In balancing these two aspects, the harm to the overall housing mix of the district, or that of the immediate locality, would be negligible.
6. I acknowledge that the Council wish to give priority in such circumstances to the retention of the original family dwelling. However, the policies quoted to me do not include any specific preclusion for the conversion of dwellings into flats. I have also had regard to the Council's comments on the difficulties they face in addressing the specific shortfall. There is also nothing to suggest that allowing this appeal would have a significant impact on the overall housing mix, either individually or cumulatively with other proposals. Neither would it clearly be the case that the development would prejudice the Council's ability to address specific shortfalls in supply through new housing in the longer term.
7. Consequently, I conclude that the proposal would not result in harm to the housing mix in the area. It would be consistent with the aims of Policies LLP1 and LLP25 of the LP which, amongst other things, require development proposals to deliver growth and sustainable development and ensure it meets the housing needs identified in the SHMA. In addition, the proposal would accord with the requirements of section 5 of the National Planning Policy Framework (the Framework) which, amongst other things, establishes the requirement for Councils to plan for a mix of housing types and needs.

Other Matters

8. There is no evidence to suggest that any of the other larger family properties along the street have been converted to flats. The introduction of flats into a semi-detached unit would alter the prevailing character of the area to a very small degree. Although there may be more comings and goings associated with the flats than if it remained a family dwelling, any change is unlikely to be particularly significant in scale or nature. It would still constitute a residential use in a relatively dense residential area and as such I am satisfied that it would not have an unacceptable impact on local character.
9. I have considered the Council's argument that granting permission would set a precedent for similar developments. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission on these grounds in this case.

Conclusion

10. Having regard to the Framework (paragraph 56), in addition to the standard time limit condition, I have specified the approved plans to provide certainty.
11. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR