
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: 15 September 2022

Appeal Ref: APP/B2030/W/22/3290174
2 Winsdon Road, Luton LU1 5JT

- 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 Rupesh Savani against the decision of Luton Council.
 - The application Ref 21/01380/FUL, dated 4 October 2021, was refused by notice dated 10 December 2021.
 - The development proposed is erection of single storey rear infill extension, alterations to roof including rear dormer and 4 front rooflights to convert into 2 flats (1 two bed & 1 one bed).
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description.

Main Issues

3. The main issues are the effect of the development on the (i) character and appearance of the host property and area; and (ii) housing mix in the area.

Reasons

Character and appearance

4. The appeal property is a two storey end terrace property with a gabled tiled pitched roof located in a mature well-established residential area, typically characterised by terraced properties set back from the road behind a small front garden. The surrounding terraced properties are of comparable scale and form, with hipped and gabled tiled roofs. A local cemetery is located immediately to the rear of the site.
5. The proposal would entail the conversion of the dwelling into two flats and the construction of a single storey rear infill extension, small second floor flat roofed rear extension and roof alterations including 4 no. front rooflights and a flat roof dormer extension across the rear of the house. The rear dormer extension would be set in from the edges and eaves of the roof and built up to the ridge line of the host property.

6. Although the proposed rear dormer would be set in, the proposed rear roof alteration, combined with the second floor flat roofed extension, would result in a material alteration to the property's gabled roof, which currently makes a positive contribution to the roofscape of the host property. The proposed rear dormer and the second floor flat roofed extension would result in substantial bulk being added at the rear of the host property and the roof plane with only very narrow peripheral parts of the sloping roof being evident.
7. The consequential harm would not in my view be sufficiently resolved by the limited effect of the proposed rear roof extensions on the street scene. In any case, the proposal would be visible at the rear from the surrounding properties. I therefore consider that the proposed rear roof extensions, by virtue of their scale, siting and design, would fail to achieve an appropriate degree of subordination to the host property and would detract from the architectural integrity of the host property. As such, I consider that the proposed rear roof extensions would result in incongruous and out-of-keeping additions that would cause unacceptable harm to the character and appearance of the host property and the area.
8. I have considered the appellant's arguments that the design and layout of the proposed rear roof extensions have been carefully considered in order to minimise any impacts on the host property and the area. Whilst the use of matching materials and fenestrations would assist in integrating the proposal with the host property, these aspects do not overcome the adverse effects outlined above.
9. Consequently, I conclude that the proposed rear roof extensions would result in harm to the character and appearance of the host property and the area. It would be contrary to the overall aims of Policies LLP1, LLP15 and LLP25 of the Luton Local Plan 2017 (LP) which, amongst other things, require development proposals, including extensions, to be of a high quality design that improve or enhance the distinctiveness and character of the area. In addition, the proposal would not accord with the National Planning Policy Framework (the Framework) that developments should seek to secure a high quality of design (paragraph 126) that are sympathetic to the local character (paragraph 130).

Housing Mix

10. The proposal would involve the conversion of the 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 four 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.
11. Policy LLP15 of the 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. However, this still suggests that there remains a need for two bed dwellings across the district.
12. The need for three bed dwellings appears significantly larger as compared to the shortfall of four-plus bed units. The loss of a single four bed 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.

13. 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.
14. 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 Framework which, amongst other things, establishes the requirement for Councils to plan for a mix of housing types and needs.

Other Matters

15. I have considered the appellant's arguments regarding the type of roof extensions and loft conversions that can be built on a dwellinghouse under Permitted Development Rights. Whilst this may be so, these apply to use of the building as a dwellinghouse and this does not set a precedent for such an inappropriate development in this location for the reasons set out above.
16. I have considered the various benefits put forward by the appellant that the proposal would bring including the scheme's design and providing additional accommodation that contributes to the supply of one and two bed dwellings and the needs for affordable housing in the Borough. While I have given them some weight, these modest benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

17. Notwithstanding my findings on the lack of harm to the housing mix in the area this is significantly outweighed by the harm I have identified to the character and appearance of the host property and the area. The proposal would conflict with the development plan and the Framework taken as a whole. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR