



Appeal Decision

Site visit made on 18 October 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2022

Appeal Ref: APP/B0230/W/22/3300057

Flat 47 & 49 Bishopscote Road, Luton LU3 1PA

- 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 Richard Davies against the decision of Luton Borough Council.
 - The application Ref 22/00171/FUL, dated 14 February 2022, was refused by notice dated 3 May 2022.
 - The development proposed is front and rear dormers to facilitate maisonettes over existing shop.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the banner heading above is taken from the planning application form. However, the Council's decision notice and the appeal form describe the proposal as 'erection of four front and two rear dormers to 2 one bed flats to facilitate 2 two bed maisonettes over existing shops'. Because this description has been used by both main parties and I consider it a more accurate representation of the proposal, I have dealt with the appeal on that basis.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the host buildings and area; and
 - ii) whether or not living conditions for future occupiers of the development would be acceptable with particular regard to the provision of internal space and external amenity space.

Reasons

Character and Appearance

4. The appeal relates to a pair of two-storey buildings which sit within a small parade on Bishopscote Road close to the roundabout junction with Alder Crescent and St James Road. In common with other buildings in this parade and a similar, albeit longer parade opposite, the buildings include ground-floor level commercial units with residential accommodation above. Most of the buildings include a regular arrangement of fenestration and projecting first-floor bay windows, and all have pitched roofs. While there are some extensions apparent to the rear, alterations to the front roofslopes are more

limited. This provides for a fairly consistent roofscape, and together with the similar overall appearance of the buildings there is an overall rhythm and sense of coherence to the street scene.

5. The rear dormer would have a flat roof that would be set down only slightly from the main roof ridge, and would span nearly the entire width and depth of the existing roof to the rear of 47 and 49 Bishopscote Road. As a result, it would occupy the majority of both host roofslopes. Given its matching design, the dormer would appear as a single feature of substantial bulk and mass, and in my assessment, its scale would dominate and visually overwhelm the buildings, unbalancing their overall composition. I acknowledge that the position of the dormer to the rear of the mid terrace building would help to reduce public views of it. Even so, it was clear from my visit that it would be visible including from Alder Crescent, and while I did see some other rear dormers present in the vicinity of the site, the large scale of the development extending across two roofslopes would still stand out as somewhat unusual.
6. Moreover, the proposal includes 2 dormers to the front of each of the appeal buildings which would be readily visible from Bishopscote Road as well as from the closest part of St James Road. Taken cumulatively, these would be sizeable enlargements to the roof that would further increase the upper bulk and mass of the host buildings. I also saw no other similar front dormers close by. Irrespective of the use of matching materials, the development would therefore stand out, and in my judgement, the scale and number of front dormers would harmfully disrupt the rhythm of the roofline and the visual unity of the parades on this part of Bishopscote Road.
7. The development would not extend beyond the footprint of the existing buildings. Nevertheless, there would be a considerable increase in the buildings' bulk and mass at roof level, and I find that the proposal taken as a whole would result in an unsympathetic and prominent form of development that would detract from the character and appearance of the host buildings and their surroundings.
8. The appellant refers to an example of a flat roof front dormer over shops at Marsh Farm, Luton. However, these are some distance away and are not seen in the same context as the appeal site where there are no other front dormers apparent nearby. This example does not therefore alter my view that the proposed development would be uncharacteristic in this location.
9. For these reasons, I conclude that the proposal would cause unacceptable harm to the character and appearance of the host buildings and the area. As a consequence, it would conflict with Policies LLP1, LLP15 and LLP25 of the Luton Local Plan 2011 -2031 (adopted 2017) which together and amongst other things broadly seek high quality design and development of appropriate density that responds to and enhances local character and distinctiveness.

Living Conditions

10. The Council has not raised an objection to the overall internal area of the proposed flats, and I have no firm reason to take a different view. However, only a fairly small part of the larger bedroom to each property would be within the area of the proposed front dormers. Much of the space to either side would be beneath the existing sloping roof, and would consequently be likely to be of more limited height, particularly closest to the front of the building. This would

constrain the practicality and use of the spaces, and given the relatively large proportion of the rooms that it seems could be affected, I am concerned that the resulting internal environments would be cramped with harm to the living conditions of occupiers. I note the appellant's suggestion that head heights would be reasonable, but no firm details have been submitted to demonstrate this which limits the weight that I can afford to the assertion. Notwithstanding the overall size of the dwellings, I am therefore unable to find that the development would offer future occupiers a suitable quality of life.

11. In addition, Policy LLP25 of the Local Plan seeks a minimum of 5sqm private outdoor space for 1-2 person flats and maisonettes, with an extra 1sqm for each additional occupant. No details have been provided to show how external amenity space would be provided to serve the development. That said, I acknowledge that the proposal would not increase the number of flats on the site, and while there would be an additional bedroom to each flat, the resulting requirement for additional space would be small. In this context and noting the larger overall internal area of the flats, I consider that a shortfall in external amenity space provision would not necessarily be unacceptable. However, this does not overcome my concerns regarding the quality of the flats' internal space.
12. For these reasons, I conclude that the proposal would fail to provide acceptable living conditions for future occupiers of the development with particular regard to the provision of internal space. Accordingly, the proposal would conflict with Policies LLP1 and LLP25 of the Local Plan insofar as they together broadly seek high quality development. It would also be contrary to the National Planning Policy Framework which includes a requirement for a high standard of amenity.

Other Matters

13. The Council has raised concern that the development would be used as 4 one-bedroom dwellings. However, that is not what has been applied for, and I have dealt with the appeal on the basis of the proposal which is for 2 two-bedroom dwellings.
14. The appellant comments that the existing flats are difficult to rent and that occupiers do not stay long. However, I have no substantive evidence to show that the flats are unsuitable for occupation, or that there is a lack of demand for one-bedroom properties generally. Nor is it clear that improvements to the size or quality of the flats, or provision of parking, could not be delivered without development of the scale and nature proposed here. There would be some investment in the area, but this would be limited given the small scale of the proposal, and even taken together, I do not find that the modest benefits of the proposal would outweigh the harm that would be caused to the character and appearance of the area and to the living conditions of future occupiers.
15. The Council raise no objection in relation to neighbouring living conditions, and no public comments objecting to the proposal were submitted. However, these are neutral factors which weigh neither for nor against the proposal.

Conclusion

16. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do

not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR