



Appeal Decision

Site visit made on 4 October 2022

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2022

Appeal Ref: APP/B0230/W/22/3298762

37 Adelaide Street, Luton LU1 5BD

- 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 Amrick S Sagoo on behalf of Sagoo and Takhar Limited against the decision of Luton Borough Council.
 - The application Ref 22/00033/FUL, dated 7 December 2021, was refused by notice dated 12 April 2022.
 - The development proposed is the construction of 6 no. one bed flats and ancillary car parking, bin and cycle storage following demolition of existing building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of occupiers of neighbouring properties, specifically having regard to noise and disturbance, and the living conditions of occupiers of 52a Princess Street, specifically having regard to outlook; and
 - whether the proposal would include an appropriate housing mix having regard to local housing need.

Reasons

Character and appearance

3. The appeal site occupies a corner plot at the junction of Adelaide Street and Princess Street. The surrounding area is predominantly residential, including a range of properties of varying architectural styles. The building proposed to be demolished includes commercial uses at ground floor, with vacant upper floors. It appears to be 2 storey when viewed from Adelaide Street, although the side gable elevation fronting Princess Street appears as 3 storey, with a second floor window above eaves level. The building has a 2 storey rear projection running along Princess Street which has a lower ridge height than the main building. The existing building abuts the footpath to both Adelaide Street and Princes Street which reflects the strong frontage style of the surrounding built form.

4. 37 Adelaide Street (No 37) is similar in scale and appearance to the existing building on the opposite corner of the junction, which also includes a subservient 2 storey rear wing fronting Princess Street. This provides a pleasant sense of uniformity to the junction. The lower height of the rear wing at No 37, the space between the buildings and the height and lean-to roof design of the adjoining property at 52a Princess Street (No 52a), contributes to a degree of openness to the Princess Street frontage to the rear of the appeal site.
5. The ridge and eaves height of the proposed building fronting Adelaide Street would reflect that of the adjoining property at 41 Adelaide Street. However, the eaves height would fail to reflect the ground levels which fall away towards the junction with Princess Street. The resulting form and massing of the building, including dormer windows, would therefore be at odds with the prevailing character of the neighbouring properties in the row and would appear as a discordant feature in the street scene.
6. The side of Princess Street on which the appeal site is located includes 2 storey terraced properties of staggered ridge heights which descend towards the appeal site. This reflects the gradual decrease in ground level. The row terminates with the front part of No 37, which is greater in height and scale, acting as a bookend. The part of the proposed building which would front Princess Street would replace the existing lower rear wing of No 37. It would be significantly greater in height than the existing rear part of the building and would be taller than the proposed front elevation of the building. The ridge height would be marginally greater than that of the adjoining building at No 52a, however this would fail to take account of the decreasing ground levels and building heights towards this end of the street. As such, the proposal would introduce a building substantially greater in overall height, scale and massing than the modest terraced dwellings in the row and would disrupt the rhythm of the urban form. As a consequence, the proposal would be a visually obtrusive and discordant feature in the street scene.
7. Furthermore, whilst the proposal would retain the physical gap between the existing and proposed buildings on Princess Street, the contribution the gap would make would be reduced due to the height and bulk of the proposed building fronting Princess Street on the upper floors. The proposal would therefore erode the sense of space between the buildings and would overly intensify the quantum of built form which in turn would detract from the more open character and appearance of this part of the street.
8. I note that the facing materials would not be dissimilar to others in the locality, however this would not overcome the harm I have identified.

For the above reasons I therefore conclude that the proposal would harm the character and appearance of the area. Accordingly, it would be contrary to the Luton Local Plan 2017 (LLP) Policies LLP1, which requires all new development to preserve or improve the character of the area, LLP15, which requires among other things, that new housing should not result in over-intensification of the site and LLP25 in so far as it seeks high quality design.

Living conditions

9. The existing building comprises commercial uses at ground floor level, including a restaurant, which is likely to generate associated activity and a degree of

noise. There is no evidence that the proposed 6 residential units, even if occupied by separate individuals, would introduce types of activity which would be uncommon in a residential area, or at unsociable hours.

10. There are a number of side windows in the first floor flat at No 52a which face the appeal site. The proposal would introduce an imposing gable end directly in front of the windows. As a consequence of its height and width, together with its proximity to the windows, the gable would form a dominant and severely overbearing feature when viewed from No 52a.
11. For the foregoing reasons I conclude that, whilst the proposed development would not harm the living conditions of the occupiers of neighbouring properties in terms of noise and disturbance, it would have a harmful effect upon the living conditions of the occupiers of No 52a with particular regard to outlook.
12. The proposal is therefore contrary to the aims of LLP Policy LLP25 in so far as it seeks to safeguard living conditions. I do not find conflict with LLP Policy LLP15 D4 which focuses principally upon mix of dwelling types. The content of this policy is largely irrelevant to the specific harm I have identified having regard to living conditions. The Council's refusal reason also refers to LLP Policy LLP1, however this is a more generic policy relating to sustainable development and is therefore not directly relevant.

Housing mix

13. LLP Policy LLP15 requires development to achieve a mix of different housing sizes, types and tenures informed by the latest housing market assessments and local circumstances. Whilst I have been provided with the SHMA and latest SHLAA the Council have not extracted the information and calculation in a manner which explains or justifies their claim for the substantial over provision of 1 bedroom flats. Nor have the Council identified the mix of units a development of this nature should provide, in order for it to meet the identified need.
14. Whilst I note the appellant has provided evidence from a local estate agent which suggests a demand for 1 bedroom flats in the area, this does not provide substantive evidence of an unmet need for units of this size. Therefore, from the information before me, I am not persuaded that the proposal would represent an inappropriate mix of dwelling sizes that would fail to deliver housing to meet the identified need.
15. In light of the above, I find that the proposal would accord with LLP Policy LLP15, which requires new residential development to meet the needs of Luton and the Luton Housing Market Area, ensuring the size reflects the identified housing need requirements of the area in the SMHA. For the reasons set out above, namely its generic nature, LLP Policy LLP1 is not directly relevant to housing mix.

Other Matters

16. Delivery of housing is a key objective within the LLP. The Framework also seeks to significantly boost the supply of housing to meet needs. It further advises that substantial weight should be given to the value of using brownfield land within settlements for homes. The proposal would re-use the existing site, through the replacement of the vacant buildings to provide 6 additional

dwelling within an existing built-up area. These would contribute to the mix of available homes, the supply of housing and to meeting targets. There would also be some economic benefits associated with both the construction and occupation of the development. Occupiers of the dwellings would have access to nearby local services and public transport links, helping to support a reduction in private vehicle use resulting in environmental benefits. I note that the development would meet the Technical housing standards – nationally described space standard (March 2015) and would also include provision for the storage of refuse and bicycles.

17. However, the proposal's contribution to housing supply would be limited given the modest scale of the development. In this context, I do not find that these other considerations would be sufficient to outweigh the significant harm that I have identified would be caused to the character and appearance of the area and to the living conditions of the occupiers of No 52a, and the conflict with the development plan.
18. The Council raises in its evidence the issue of the lack of provision of private external amenity space to serve future occupiers of the development. Whilst this issue is not mentioned in its refusal reasons, the appellant has nevertheless had the opportunity to comment. Appendix 6 of the LLP sets out a minimum requirement of 5m² of private outdoor space for a 1-2 person flat. Appendix 6 recognises that whilst flatted development is not expected to provide the same level of garden amenity space as dwellings, an enclosed area of communal space should be provided where feasible. The appellant suggests that due to site constraints relating to the footprint and design of the building, as well as the inclusion of parking, cycle and refuse storage, it is not possible to include external amenity space.
19. Whilst acknowledging the benefits of the provision of external amenity space for future occupiers, given the practical difficulties in providing private outdoor space in a constrained urban environment and the proximity of the site to public open spaces in the locality, it is therefore not attainable or necessary to provide any outdoor amenity space in this case.

Conclusion

20. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise. For the reasons above the appeal is dismissed.

Emma Worley

INSPECTOR