



Appeal Decision

Site visit made on 8 February 2023

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2023

Appeal Ref: APP/B0230/W/22/3303251

22 Warren Road, Luton, LU1 1UQ

- 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 M Bashir against the decision of Luton Borough Council.
 - The application Ref 22/00289/FUL, dated 7 March 2022, was refused by notice dated 19 May 2022.
 - The development proposed is described as the conversion of garage, erection of single storey front and side extension to facilitate one bed (two storey) dwelling with alterations to existing dwelling and front extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's refusal notice describes the proposal as '*the erection of a single storey front, side and bay window extensions with alteration to fenestration and garage conversion to facilitate a conversion of a four bed dwellinghouse to two dwellinghouses (1 three bed and 1 one bed)*'. I have determined the appeal on the basis of this description of development as it more precisely describes the proposal.

The Main Issues

3. The main issues are i) the effect of the development upon the character and appearance of the area, ii) whether the development would have adequate private outside amenity space and iii) the effect of the proposal on the housing mix in the area.

Reasons

Character and appearance

4. The appeal property falls within a row of terraced dwellings and is a corner plot at the junction of Warren Road and Summerfield Road. The area is predominantly residential in character with many of the dwellings having double bay windows. Not all of the dwellings in the area are of identical appearance, including the appeal property which falls within a terrace which does not have the aforementioned double bay windows, but nonetheless there is a general consistency and regularity to the pattern of development in the streets in terms of mainly straight building lines and undeveloped front amenity spaces.

5. While there are some front extensions/additions to some of the dwellings in the area, including to the appeal property, these are generally subordinate in scale to the host properties and hence the terraces are still appreciated as having relatively consistent building lines and open front amenity spaces when seen from Warren Road.
6. The appeal property is positioned within a triangular shaped plot. The space around the appeal property offers some welcome open relief to the otherwise built up and higher density development that exists elsewhere in Warren Road, and this adds positively and distinctively to the character and appearance of the area.
7. The single storey extension to the side of the dwelling would cause significant harm to the spacious character of the plot overall. In addition, the proposed front element of the extension would appear as a disproportionate and incongruous addition to the appeal property when seen from Warren Road. It would depart unacceptably further from the building line of the terrace and street. It would be seen as an intrusive and materially out of character addition in Warren Road, harming the appearance of the host property and the street-scene.
8. This harm would be exacerbated because of the formation of an enclosed front amenity space for the proposed one-bedroom dwelling which would detract from the spacious character of the corner plot. The inclusion of two front entrance doors would also cause harm in so far that this would draw attention to the fact that a separate and visually narrower one bedroom dwelling was proposed on the end of the terrace. Overall, the development would appear contrived and at odds with the prevailing character and appearance of the locality.
9. For the above reasons, I conclude that the proposal would cause significant harm to the character and appearance of the area. Therefore, it would not accord with the design, character and appearance requirements of policies LLP1 and LLP25 of the adopted 2017 Luton Local Plan 2011-2031 (LP) and chapter 12 of the National Planning Policy Framework 2021 (the Framework).

Private outside amenity space

10. The proposal seeks planning permission for a change of use and alterations from one dwelling to two dwellings. The proposed outside amenity space for the one-bedroom dwelling would measure about 21 square metres. This would be contrary to Appendix 6 of the LP which states that one and two bedroom dwellings should not have a garden area of less than 45 square metres. The proposal fails to meet minimum private outside amenity space size requirements, and, in this regard, it would fail to provide acceptable living conditions for occupiers of the one-bedroom dwelling, contrary to Appendix 6 of the LP and paragraph 130(f) of the Framework. Given this conclusion, I therefore find that the proposal would be contrary to policy LLP15 of the LP which states that new housing should not result in over-intensification of the site.
11. In reaching the above conclusion, I have considered the examples of other appeal decisions where Inspectors have considered other outside amenity space proposals. I have, however considered this proposal on its individual planning merits and, in this case, I find that the proposed space for a one-

bedroom dwelling would be unacceptably cramped. I would also add that, as the space would be to the front of the appeal property, there is potential for relatively more noise and disturbance than would otherwise be the case from a rear garden environment. Therefore, the examples of other appeal decisions do not alter or outweigh by conclusion on this main issue.

Housing mix

12. The proposal would result in the loss of a four-bedroom dwelling and its replacement with a three-bedroom dwelling and a one-bedroom dwelling. Policy LLP15 of the LP states that provision will be made for 8,500 dwellings in the Borough to help meet the housing needs of Luton and the Luton Housing Market Area, ensuring the required provision by size, type and tenure (including the provision for starter homes, custom build and households with specific needs). This reflects the '*identified housing need requirements of the area in the Strategic Housing Market Assessment*'. It also states that '*development will achieve a mix of different housing sizes, types and tenures informed by the latest housing market assessments and local circumstances*'.
13. While I acknowledge that the proposal would result in the loss of a four-bedroom dwelling, in the Council's officer report it states, '*three-bedroom properties within the prevailing housing stock are valuable assets that are not easily replaced when lost*' and '*where the local planning authority can resist the loss of 3 bed single family dwelling houses, it has consistently*'.
14. While it may be the case that there is a need for 4 bedroom properties in the Borough, there is no evidence to suggest that a three-bedroom plus a one bedroom dwelling in the Borough is not also needed. Therefore, there is no compelling evidence before me to lead me to conclude that the proposal conflicts with the requirements of policy LLP15 of the LP in this regard. Indeed, the Council's own evidence supports a need for three-bedroom dwellings in the Borough. In this respect, I am cognisant of policy LLP15 (B) which states that '*planning permission for residential development will also be granted on sites not allocated for housing provided that it would not lead to a loss of other uses for which there is a recognised local need*'.
15. The Council states that the Strategic Housing Market Assessment, as monitored by the Strategic Housing Land Availability Assessment 2019, indicates that there has been significant over delivery of 1-bedroom units within the Borough with delivery exceeding need by over 1800 units in the first year of the twenty-year plan. I have not been provided with any substantive evidence to support this claim. In any event, I am not persuaded that the provision of a one-bedroom dwelling in this location would materially undermine the Council's overall housing strategy, particularly as a family dwelling on the site would still exist and, therefore, an overall suitable mix of residential units would be provided on the site.
16. For the above reasons, I conclude that there is no substantive evidence before me to conclude that the proposal would not accord with the strategic housing requirements of policy LLP15 of the LP. However, this does not override my conclusions on the other two main issues which are matters of overriding concern.

Conclusion

17. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole, and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

S. Hartley

INSPECTOR