

Appeal Decision

Site visit made on 27 February 2023

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th March 2023

Appeal Ref: APP/B0230/D/22/3313848

67 Morgan Close, Luton, LU4 9GL

- 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 Ms A Paul-Ajowape against the decision of Luton Borough Council.
 - The application Ref 22/01012/FULHH, dated 4 August 2022, was refused by notice dated 3 October 2022.
 - The development proposed is a garage conversion to habitable space.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the garage to habitable space at 67 Morgan Close, Luton, LU4 9GL in accordance with the terms of the application, Ref 22/01012/FULHH, dated 4 August 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, mma.47 7 and MP/4.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. There is one main issue which is the effect of the proposed garage conversion on parking demand, highway safety due to congestion and the convenience of nearby residents in Morgan Close

Reasons

3. Morgan Close is a cul-de-sac of modern dwellings including two storey houses, three storey town houses and flats. Some dwellings have garages and/or off street parking. There are also some public parking lay-bys. At the time of my
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site visit on a weekday morning there were also vehicles parked on the highway with some straddling the kerb.

4. The appeal dwelling is a mid-terraced, three storey town-house with a single garage at ground floor and two floors of accommodation above. It is one of a group of four similar dwellings. Two of these have ground floor accommodation instead of a garage, which appear to be conversions. Each dwelling has one off-street parking space on the frontage.
5. The proposed development is the conversion of the existing garage to habitable space. The Council, including as Highway Authority, is concerned that the loss of the garage in a street where there is already a significant demand for on-street parking would materially exacerbate the situation and that this would have a noticeably adverse effect on highway safety and the convenience of nearby residents. It is suggested that rail commuters and people picking up children from Challney High School may park in this area.
6. In the context of other more general policies LLP1, LLP19, LLP25 and LLP31, Policy LLP32 of the Local Luton Plan 2011-2013 (LLP), adopted 2017, is permissive of development providing that car parking provision does not exceed the maximum standards set out in Appendix 2. This is in order to promote a modal shift. However, within these standards, sufficient parking should be provided to help ensure that adverse effects on highway safety and the convenience of nearby residents and users are avoided. Appendix 2 advises that two or three bedroom properties should have up to 2 spaces. Standards may be lowered depending on accessibility.
7. The appellant argues that the appeal site is accessible, being within walking distance of a railway station some 0.8 miles (approx. 1.29 km) away, and close to bus routes on Oakley Road and Beechwood Road which are within easy walking distance. Moreover, the appellant argues that the garage is too small to enable a driver to get out of a parked car and is not used for parking but for domestic storage.
8. I agree that based on the evidence, including my site visit, the site is in a reasonably accessible location. Moreover, it is clear that the garage dimensions would make it unsuitable for the parking of many modern cars. Taking this into account, I consider that the loss of the garage would have a negligible effect on highway safety or the convenience of nearby residents and users. The dwelling would retain one off-street parking space which in this location would appear to comply with Policy LLP32 and Appendix 2. Moreover, it would be commensurate with two of the three similar neighbouring dwellings.
9. It is concluded on the main issue that the proposed garage conversion to habitable space would have no materially harmful effect on parking demand, highway safety due to congestion or the convenience of nearby residents in Morgan Close. In consequence, there would be no conflict with the LLP.
10. Turning to conditions, the Council suggests two conditions in addition to the statutory commencement condition. I agree that the development should be carried out in accordance with the approved plans and in matching materials in order to protect the character and appearance of the area and for the avoidance of doubt.

11. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down
INSPECTOR