



Appeal Decision

Site visit made on 11 May 2023

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2023

Appeal Ref: APP/B0230/W/22/3307814
50 Cavendish Road, LUTON, LU3 1JQ

- 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 Shamshad Ali against the decision of Luton Borough Council.
 - The application Ref 22/00404/FUL, dated 6 May 2022, was refused by notice dated 12 July 2022.
 - The development proposed is the conversion and change of use of a six-bed dwellinghouse to 1 two-bed flat and 1 one-bed flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed conversion and change of use on:
 - The housing mix in the Borough,
 - The character and appearance of the area around Cavendish Road, and
 - The living conditions of the occupiers of the proposed one-bedroom unit by way of amenity space, and neighbouring occupiers by way of noise and disturbance.

Reasons

3. The No 50 is a mid-terraced, two-storey house situated on the southern side of Cavendish Road. Cavendish Road is a tree-lined residential road, largely comprising small rows of terraced houses. The front garden areas, though relatively short, are long enough to provide off-street parking, and some are wide enough to accommodate three cars. No 50 has a large single-storey rear extension. From the documentation before me, the house has a kitchen/living room, small bathroom and three further rooms on the ground floor, with three more rooms on the first floor. All of the rooms, other than the kitchen and bathroom, are shown as bedrooms, and most of these appear to be of a double-bedroom size.
4. The proposed development would involve works to convert the house into two self-contained flats. The ground-floor flat would have two bedrooms and access to the rear amenity area. The first-floor flat would have one bedroom. Both would be accessed via the central front door.

5. Policy LLP1 of the Council's Local Plan (LP) indicates that planning permission will be granted where applications accord with local plan policies when taken as a whole, unless other material considerations indicate otherwise. In addition, the Council will require all new development in the borough to contribute to preserving or improving the character of an area - development proposals should respond to and enhance local character.
6. Policy LLP15 of the LP indicates that provision will be made to help meet the housing needs of Luton and the Luton Housing Market Area, ensuring the size, type and tenure provided reflects the identified housing need requirements of the area in the Strategic Housing Market Assessment (SHMA). Policy LLP25 of the LP indicates that the Council will deliver new housing in accordance with external amenity space standards set out in appendix 6 of the LP.
7. The Council contends that the development would result in the material intensification of use of the site that would give rise to additional activity that would conflict with the existing character of the area and be harmful to the residents of the adjoining occupiers in terms of noise and disturbance. In addition, the development would result in the loss of an existing three-bedroom dwelling and provide an unsatisfactory mix of housing that would not meet identified need within the Luton Housing Market Area. Finally, it contends that the development would result in an intensification of use of the site without the satisfactory provision of private amenity space, which would be detrimental to the future residents.
8. The appellant contends that, due to the large six-bedroomed nature of the house, he struggles to rent the property out, and to keep the property occupied at present it has been rented as a three-bedroomed unit. In addition, the ground floor two-bedroomed flat would have access to the rear amenity area of the property, which is approximately 50 square metres, and that there are public parks in the vicinity. Finally, he notes the existence of three properties on nearby roads where conversion to flats has been permitted.

The housing mix

9. The appeal property is described as a six-bedroom house. However, regardless of the fact that the rooms are labelled as bedrooms, the small scale of the allocated kitchen/living space and bathroom facilities would seem inadequate for a family home that is shown as having at least four double-bedrooms and potential for up to 10 occupants. The Government's Technical Housing Standards – nationally described space standard (THS) indicates that the breakdown of the minimum Gross Internal Area of a dwelling laid down in the THS allows not only for the different combinations of bedroom size, but also for varying amounts of additional living, dining, kitchen and storage space; all of which are related to the potential occupancy.
10. Irrespective of the above, the appellant notes that No 50 is currently let as a three-bedroomed house and so, regardless of the name given to each room on the submitted plans, it is clearly usable as a family home with at least three bedrooms and associated living accommodation.
11. On the basis of the above, the property can be appropriately categorised as a medium to large family home. The Council indicates that there is demand for such homes in the Borough in order to rectify an imbalance in its housing mix. The Council's Strategic Housing Land Availability Assessment (SHLAA) notes

that development activity has been concentrated on the provision of smaller properties, reflecting the delivery of flatted accommodation. Activity to convert offices to residential accommodation and the provision of apartments and smaller properties when delivering larger schemes has meant this trend has been maintained. Most of the four- or more bedroomed units delivered are clusters of student rooms or houses in multiple occupation.

12. In the light of the Council's SHLAA and the apparent relative over-provision of smaller one- and two-bedroomed units in recent years, I consider that the loss of a large family home in this area would be harmful to the Council's objective of achieving or maintaining a satisfactory mix of housing, and would not meet an identifiable local need. I have not been provided with any specific evidence of difficulties encountered by the appellant in renting the property, and it would appear from the evidence before me that its function as a three-bedroomed family house is still viable.
13. In conclusion on this issue, therefore, I find that the proposed conversion and change of use, resulting in the loss of a multi-bedroomed family home, would be harmful to the housing mix in the Borough. It would conflict with Policies LLP1 and LLP15 of the LP.

Character and appearance

14. The Council acknowledges that, in terms of visual appearance, the conversion and change of use as proposed would have no street scene implications and I concur with that view. However, the area around Cavendish Road would appear to be characterised by family houses, and there is no clear evidence of the existence of flats along the road. I have no details of the examples of flats on nearby roads provided by the appellant but, in any case, these would appear to be isolated cases and may or may not have similarities with the current case.
15. The change from a family home to two flats with two separate households is likely to lead to increased activity at the property, albeit on a very small scale. In itself, I do not consider that the proposal would be significantly harmful to the character of the area, but there may also be issues regarding the need for increased bin storage, for which there appears to be no specific provision proposed, and a potentially increased need for car parking, which could have a detrimental effect.
16. On the issue of car parking, whilst the submitted plans show space to accommodate three cars, I also note that there is a mature tree outside the appeal property which would appear to make it almost impossible for at least one of those cars to manoeuvre into and out of the parking area at the front of the house. Mature trees adjacent to the highway are a characteristic feature of the area, and the proposal could potentially lead to pressure to have the tree removed in order to meet parking requirements, and this would also be harmful to the character of the area.
17. In conclusion on this issue, while the proposal would have only limited detrimental impact on the character of the area, any harm caused by a potential increase in activity would add to the harm to the housing mix in the Borough referred to earlier. On this basis it would conflict with Policy LLP1 of the LP.

Living conditions

18. It appears that the ground-floor flat would have access to sufficient private amenity space at the rear of the property. However, the first-floor flat would have no private amenity space at all. Appendix 6 of the LP provides standards on External Amenity Space. It indicates that, for flatted developments, a minimum of 5 sq metres. of private outdoor space should be provided for 1-2 person flats, and that, where private outdoor space is not achievable due to plot size or character this should be provided in the form of communal amenity space, grassed or hard surfaced with some landscaping. This would not be possible at the appeal property.
19. The appellant notes the existence of public parks within a short distance of the appeal property and I acknowledge this point. However, given the relatively high density of housing in the immediate vicinity, I consider that the first-floor flat should have some private space of its own at the property. The lack of such space would be harmful to the occupiers of the first floor flat, and would conflict with Policy LLP25 of the LP and with the standards laid out in Appendix 6 of the LP.
20. The Council contends that the conversion would be harmful to the residents of the adjoining occupiers in terms of noise and disturbance caused by the intensification of use. The conversion would not result in any increase in the accommodation space already existing and, while there would be a reconfiguration of that space and use by two separate households, I do not consider that, in this case, it would be likely to result in any significant detriment to the living conditions of the neighbouring occupiers by way of additional noise and disturbance.

Conclusion

21. In conclusion, I find that the proposed conversion and change of use would be harmful to the housing mix of the Borough. There would also be limited harm to the character of the area around Cavendish Road, and to the living conditions of the future occupiers of the first floor flat. Though limited, these other harms would add to the more significant harm to the housing mix and, as a result, the cumulative harms would conflict with Policies LLP1, LLP15 and Appendix 6 of the LP. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR