



Appeal Decision

Site visit made on 16 September 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2024

Appeal Ref: APP/B0230/W/24/3342886

192 Strathmore Avenue, Luton LU1 3QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Mehreen Arshad against the decision of Luton Borough Council.
 - The application Ref is 23/01408/FUL.
 - The development proposed is change of use dwelling house into two flats and erection of a ground floor rear/side extension and alterations to fenestration.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development cited in the planning application form differs to that contained within the decision notice. There is no evidence that this change was formally agreed. In the interests of clarity, I rely upon the description as included in the application form for the purposes of the heading above.

Main Issues

3. The main issues are:
 - the effect on the living conditions of occupiers of neighbouring properties at 194 and 190 Strathmore Avenue (No 194 and 190) with regard to outlook and light;
 - whether the development would provide satisfactory living conditions for its future occupiers with respect to internal living space and outdoor amenity space; and
 - the effect on the character of the area.

Reasons

Neighbouring properties

4. The appeal property, No 192, is a two-storey semi-detached dwelling located in a predominantly residential area. Many properties on this section of the row have a sloped or tiered rear garden and staggered roof heights given the surrounding topography levels.

5. The appellant is seeking to create additional living space as part of the conversion of the property to two units. This includes the creation of a single-storey rear extension in place of a currently decked area.
6. The proposed extension would project 4.5 metres or so from the rear wall of the property and extend across the full width of the original house with a shallow-pitched roof. It would be built right up to the common boundary to No 194. It would be set a short distance away from side and rear elevations and garden of No 190.
7. No detailed daylight or sunlight assessment was provided as part of the application. Given its close spatial relationship, a shading effect is likely to be experienced by occupiers of No 194 and from within some windows and parts of the rear outdoor amenity space that lies in closest proximity to the common boundary with the appeal building. Without such details there is no substantive evidence before me that existing occupiers living conditions at No 194 would not be detrimentally harmed.
8. Moreover, due to the depth of the extension, its proximity to the common boundary to No 194, its height and bland flank wall, the proposed extension would, in this case, result in an enclosing and overbearing feature. It would therefore be harmful to adjoining occupiers at No 194 both within the property from the rear-facing windows and the upper level garden area closest to the dwelling.
9. The proposed extension would be set back from the common boundary and further back from No 190. However, the projection of the extension, its height and level changes between the properties and garden levels would result in an overbearing and enclosing effect on the closest rear window and garden to the detriment of the occupiers at No 190.
10. Given the limited scale of the development, any additional increase in activities associated with the conversion to two residential units would be limited such that noise and general disturbance would likely be indistinguishable from the levels found within the immediate and wider area. I therefore find no harm in this regard.
11. Nonetheless, for the above reasons, the proposed development would unacceptably harm the living conditions of the occupiers of No 194 and 190 with regard to outlook and light. It would fail to accord with Local Luton Plan (LLP) Policies LLP1 and LLP25. Amongst other matters, these require development to create quality places which respond positively to the surrounding context. The proposal also conflicts with the aims of the National Planning Policy Framework (the Framework), which seeks to ensure that developments have high standards of amenity for existing users.

Future occupiers

12. Upon completion, the appeal scheme would create two separate units of accommodation—one three-bedroom property at the ground floor level and one two-bedroom property at the first-floor level. The Council suggest the total floor areas of the new dwellings would be below that required by the Nationally Described Space Standards (NDSS), which require 86m² and 61m². The Council also suggest bedroom 02 of the first-floor unit would be below that required by the NDSS. However, the national Planning Practice Guidance

advises that local planning authorities can only apply internal space standards if their policies refer to the NDSS. The Council's policies provided to me do not.

13. Notwithstanding this, LLP Policy LLP25 requires development to be well-designed. From my site visit, at which I entered all the rooms and taking into consideration the submitted plans the resultant units would be significantly undersized for the potential number of occupants. As a consequence, the occupants of the dwellings would experience cramped living conditions due to a lack of internal space.
14. In reaching this conclusion, I accept that the existing rooms may fall below the NDSS standards. However, the existing property benefits from additional space throughout the remainder of the property, unlike the appeal scheme, which would have a cramped layout overall.
15. Additionally, no detailed evidence has been provided on how occupiers of the first-floor unit would be provided access to the rear garden or how this would be split between the two properties. It is considered that, in that context, a lack of outdoor amenity space for the first-floor unit would be unsatisfactory. This unsatisfactory arrangement would not be overcome by the site's walking distance to nearby parks.
16. For the above reasons, the development would result in substandard living conditions for its occupants with regard to internal and external space, contrary to LLP Policies LLP1 and LLP25, which seek to create quality places. It is also contrary to the Framework which expects a good standard of amenity for future users.

Character

17. Up to 2 separate households would occupy the appeal building. While this is not the same as the predominantly single-family dwellings found nearby, there are similarities, and the scale of the proposal is modest. The additional associated activity would be comparable to that associated with a large family home where movements occur throughout the day. Given the predominantly surrounding residential area, the development would not be so intensive that it would be harmful to the character of the area.
18. The appeal scheme would therefore not conflict with policies LLP1 and LLP25 of the LLP. The requirements of these policies include that development be of a high quality and that it preserve or improve the character of the area.

Other Matters

19. The proposed development would provide an additional flatted unit to the Council's housing stock in a sustainable location close to shops and services. However, these benefits do not overcome the detrimental harms identified above.

Conclusion

20. The proposal would not harm the character of the area. However, it would fail to provide satisfactory living conditions for future and neighbouring occupiers. As a result, the proposed development conflicts with the development plan, taken as a whole. I have found no material considerations that indicate the

appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

A Hickey

INSPECTOR