



Appeal Decision

Site visit made on 18 November 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2024

Appeal Ref: APP/B0230/W/24/3348528

22 Grange Avenue, Luton LU4 9AT

- 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 Mr Deep Karawadra against the decision of the Council of the Borough of Luton.
 - The application Ref is 24/00432/FUL.
 - The development proposed is described as the conversion and change of use of a 4 bedroom dwelling and garage (Use Class C3) to a 9 bedroom house in multiple occupation (Use Class Sui Generis).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the living conditions of adjoining residents, with particular regard to noise and disturbance, and whether the proposal would provide appropriate living conditions for the scheme's occupants; and
 - Whether or not the proposal would assist in delivering an appropriate mix of housing to meet identified needs within the Luton Housing Market Area.

Reasons

Living conditions

3. The property would be occupied by nine residents in nine separate bedrooms, with a shared kitchen and dining room at ground floor in an existing rear projection. The appellant points out that, having regard to Part 3 Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015, the property could be occupied as a house in multiple occupation ('HMO') by up to six residents without the need for planning permission. On the evidence of my visit, and the applicant's email dated 6 June 2024, the works required to enable such a use have been largely carried out.
4. However, the proposed occupancy would represent a significant 50% increase compared to that use. The occupants would have their own life style patterns for work and leisure, and the use would generate significant comings and goings, and associated noise and disturbance from activities including opening and closing of doors, emptying of refuse, and conversing in the outdoor space.

5. The small enclosed courtyard, with its waste bins, garden and cycle parking, and which would be faced by the shared kitchen and dining room, would be particularly intensely used.
6. Moreover, the scheme would involve the conversion of a detached garage to provide 3 units, which would be accessed directly from the courtyard. The garage virtually abuts the boundaries with 20 and 24 Grange Road, and it is located well to the rear of those buildings. I am told that No 24 is an HMO, although I have no evidence regarding the number of occupants; but No 20 is occupied as a single dwelling.
7. The conversion of the garage to provide 3 units would introduce significant noise and disturbance into an area well to the rear of those neighbouring buildings, close to their gardens, where the residents could reasonably expect a greater degree of privacy and quiet. The appellant maintains that the garage could be converted to an annexe without the need for planning permission. However, such a use, as part of a single household, even if it was a large family, would have a markedly different character, and less of an impact on residential amenities, compared to the property's use by separate, unrelated occupants, each with their own life style.
8. Local residents have also expressed concerns regarding the living conditions that would be experienced by the occupants of the proposed accommodation. Whilst the Council considers that this would be acceptable, I note that the only window serving the small bedroom in unit 9 would immediately face the rear wall and kitchen door in the main building. Even if that satisfies licencing requirements, it would not provide a good outlook or good daylight for the occupant, and it adds to my overall concerns regarding living conditions.
9. As set out at paragraph 5.20 of the Planning Design and Access Statement, there are HMOs, along with other forms of accommodation, in Grange Avenue. Whilst that serves to illustrate that the proposal would not be at odds with the road's mixed character, I have few details of those uses, and cannot therefore make any meaningful comparisons with this scheme.
10. Similarly, having regard to the appeals in Luton provided at Appendices 1 to 4 of the appellant's statement, other than the decision letters, I do not have the full details, including the layouts, of those schemes; and on the basis of the available evidence none involved the creation of a nine person HMO, or included three units of accommodation in a separate outbuilding.
11. For the above reasons, this scheme would harmfully impact adjacent occupiers' living conditions, and it would fail to provide appropriate living conditions for the occupants of the proposed development. It would thereby conflict with those parts of Local Luton Plan 2011-2031 (2017) Policies LLP1, LLP17 and LLP25 which, collectively, seek to create high quality places, minimise noise, and ensure privacy. It would also conflict with the National Planning Policy Framework ('Framework') requirement to provide a high standard of amenity for existing and future users.

Mix of housing

12. Amongst other things, Local Luton Plan Policies LLP1 and LLP15 seek to manage change so as to create sustainable high quality places, with housing of a size, type and tenure which reflects the area's needs as set out in the

Strategic Housing Market Assessment. Policy LLP15 continues at part c) that the redevelopment of houses to other uses will be permitted if replacement dwellings are provided, or if there is an overriding need for the other uses which provide community benefits that outweigh the loss of housing.

13. The Council refers to its latest Strategic Housing Land Availability Assessment 2019, which identifies a particular need for dwellings with four or more bedrooms, with only 333 having been delivered up to 2019 against an identified need over the plan period of 2,590.
14. That does suggest an unmet need for large dwellings. However, although the Council refers to an ever-increasing number of HMOs in the borough, there is limited information before me as to whether there is also an ongoing need for such a form of accommodation. In any event, the Council's evidence is now somewhat dated, and the host has already been converted to an HMO. The scheme would not therefore result in the loss of a Class C3 dwellinghouse.
15. Moreover, paragraph 6.6 of the Local Luton Plan sets out the need to provide a mix of homes to support sustainable communities and to provide a choice of homes for people at all stages of life. As I have no cogent evidence to find that there is no need for the type of accommodation proposed, this scheme would contribute to that objective, along with the Framework's stance on providing housing for different groups in the community. Thus, on this issue, it would not conflict with Local Luton Plan Policies LLP1 or LLP15; nor with the Framework.

Other matters

16. According to the case officer report, as this would be a 'car-free' development, a financial contribution of not less than £3,150 would be required towards improving sustainable transport infrastructure in the area. However, the absence of such a planning obligation did not form a reason for refusal, and I have very few details of that request, including how the requested money would be spent. I am therefore unable to reach a conclusion on this matter, but given my other findings, it is non-determinative in this case.
17. In its favour, and having regard to the permitted use as a small HMO, the scheme finds a limited measure of support from Framework and development plan policies which seek to make an effective use of land and to optimise higher densities.

Conclusion

18. I have found that, whilst the scheme would not conflict with planning policies which seek to provide an appropriate mix of housing, it would harmfully impact adjacent occupiers' living conditions, and it would fail to provide appropriate living conditions for all the occupants of the proposed accommodation.
19. The scheme's limited benefits would not outweigh the significant harm that it would cause. Consequently, having regard to all other matters raised, including representations by interested parties, the appeal is dismissed.

Chris Couper

INSPECTOR