



Appeal Decision

Site visit made on 4 February 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2025

Appeal Ref: APP/B0230/W/24/3355503

58 Chatsworth Road, Luton LU4 8AS

- 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 Harun Hussain (HW CARE UK) against the decision of Luton Borough Council.
 - The application Ref is 24/00672/FUL.
 - The development proposed is change of use of outbuilding to office.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of outbuilding to office at 58 Chatsworth Road, Luton LU4 8AS in accordance with the terms of the application, Ref 24/00672/FUL, and the plans submitted with it (DRAWING 01, DRAWING 01a, DRAWING 02, DRAWING 03, DRAWING 04).

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. As the changes to the Framework do not affect the main issues in the case, the parties have not been invited to make further comments in this regard.

Background and Main Issues

3. The Council's decision notice contained three reasons for refusal. On the decision notice reasons 2 and 3 were the same. However, the Officers Report (OR) did identify these reasons differently. In the interests of completeness, I have therefore considered the reasons identified in the OR here. As such, the main issues are:
 - 1) The effect of the development of a commercial building on the character and appearance of the area,
 - 2) The effect of the development on the living conditions of the occupants of 58 Chatworth Road with regard to a loss of garden area, and
 - 3) Whether sufficient information was provided in order to assess the effects of the development.

Reasons

Character and appearance

4. The appeal site is set within a predominantly residential area formed of late 19th to early 20th century terraced homes addressing the street. Within this context though, there are examples of commercial premises, most noticeably a number of

vehicle garages along Portland Road in addition to commercial parades along Dunstable Road.

5. The appeal site is set in the rear garden to 58 Chatsworth Road. This property sits on the corner with Portland Road and, along with other homes in this area, features a modest rear garden. Due to its corner location, this property has street access to the side, and this is where the detached office building in question has been constructed. It comprises a fairly small building, of no greater size than a large shed and is finished in brick with a door addressing Portland Road.
6. The building has the character of a small home office. Indeed, it appears to be used largely as such. This would, in practice, be little different to operating a business from a home office within the main dwelling or outbuilding. Even if it is not, the extent of any commercial operation that may be conducted from this building would be restricted by its size.
7. Accordingly, I find that the building is of negligible to no difference to a home office. In this residential area, which already features a number of far more significant commercial premises, it could not harm the character and appearance of the area in terms of its appearance or use. The proposal therefore complies with policies LLP1, LLP15, LLP19, LLP25 LLP31 and LLP32 of the Luton Local Plan (LLP) insofar as it is of a high quality design which responds positively to the townscape.

Living conditions

8. The building occupies a small part of what is a fairly modest rear garden. This, however, is of little difference to a domestic shed or other outbuilding and there are many other examples of larger domestic outbuildings in the locality. Much of the garden would remain although no figures on the size or depth of the retained garden have been provided by either party. Whilst this is shown to be parking for vehicles, it is not within the application site or referred to in the description of development on the application form and therefore falls outside the extent of my consideration here.
9. The majority of the rear garden would be retained for 58 Chatsworth Road and it would offer a comparable amount of outdoor amenity space to most other properties in the area. Accordingly, the proposal would not be detrimental to the living conditions of the occupants of 58 Chatsworth Road and the proposal complies with policies LLP1, LLP15, LLP19, LLP25, LLP31 and LLP32 of the LLP in that it provides a healthy place.

Sufficient information

10. The OR expressed concern in relation to the stated age of the building, justification for the need for a separate/new address and the amount of mail that would be delivered to the premises. Whilst I accept that some information was deficient in application, there is sufficient detail in order to allow me to decide this appeal. The matters highlighted as being of concern in the OR are not determinative to the merits of this appeal. Therefore, I find the proposal acceptable in this regard and in accordance with the provisions of the LLP.

Conditions

11. As the development is retrospective and no further alterations are proposed, there is no requirement for any conditions to be imposed. In allowing the appeal I have specified the relevant plans for certainty and no further clarification in this regard is required.

Conclusion

12. For the reasons given above, I conclude that the proposal complies with the policies of the development plan and the material considerations do not indicate a decision should be made other than in accordance with it.
13. The appeal is allowed.

N Bowden

INSPECTOR

