



Appeal Decision

Site visit made on 18 February 2025

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 March 2025

Appeal Ref: APP/B0230/W/24/3353469

229 Turners Road North, Luton LU2 9AH

- 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 Mr Paul Childs against the decision of Luton Borough Council.
 - The application Ref is 24/00184/FUL.
 - The development proposed is the erection of a 1½ storey 2-bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework was published in December 2024 but does not raise any new matters which affect the assessment of this appeal scheme.

Main Issues

3. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area and (b) the living standards of the future occupiers.

Reasons

Character and Appearance

4. The appeal site comprises part of the long rear garden of 229 Turners Road North which includes a large single storey garage/workshop style building. Either side of the workshop bungalows have been erected. The plots of these bungalows (2 and 2A Stronnell Close) are wider than the garage/workshop because they each occupy parts of 2 rear gardens of properties fronting Turners Road North (Nos. 225-227 and 231-233). The properties fronting Turners Road North are generally 2-storey in height and a number of them have been altered by the addition of rear extensions of varying types.
5. Access to the workshop and the neighbouring bungalows is via a drive from Stronnell Close which comprises a development of single and 2-storey dwellings. However, the existing building and bungalows fronting the drive are a separate enclave of built development which does not directly related to the streetscene of Stronnell Close.
6. The proposed development includes the demolition of the existing building and the erection of a bungalow which would also include accommodation within the

roofspace. The replacement of the building by the proposed dwelling would optimise the use of this previously developed backland site.

7. A previous scheme for a similar form of development was granted on appeal (Ref albeit this was some 17-years ago which pre-dates both the current Luton Local Plan and the Framework APP/B0230/A/08/2060801). Subsequent to this appeal, the council granted planning permission for the erection of the bungalow to the rear of Nos. 225-227 (Ref 21/00351/FUL) which is now 2A Stronnell Close. Significant weight is given to both the allowed appeal and the grant planning permission by the council, particularly in support of the principle of the proposed development occurring on the site.
8. As has been identified, the proposed dwelling would occupy a narrower plot than the 2 neighbouring bungalows and, as such, it would possess a smaller footprint. The ridge height of the proposed dwelling would be taller than both the existing building and the neighbouring bungalows. Views of the proposed dwelling's front elevation would be seen at an angle from Stronnell Close and other views would be partially screened by the neighbouring bungalow. Although taller, from the road the appeal scheme would be a less bulky structure than the existing building and would visually relate to the residential use of the area. Accordingly, because of its siting and context the appeal scheme would not be an incongruous nor conspicuous form of development that would significantly detract from the varied character and appearance of the surrounding residential area.
9. On this main issue, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would not conflict with Policies LLP15 and LLP25 of the Luton Local Plan (LP). Amongst other matters, these policies seek to optimise higher densities and secure a high quality of design, including developments responding positively to the character of an area by reason of streetscene, scale and heights. LP Policy LLP1 is not considered to be of direct relevance to the appeal scheme because it concerns a generic presumption in favour of sustainable development.

Living Standards

10. Since the determination of the previous appeal, the *Technical housing standards – nationally described space standard* have been published. Although not in an adopted policy, an assessment has been made by the council of the floorspace of the proposed dwelling against the standard for a 2-storey dwelling with 2 bedrooms capable of accommodating 3 people. The space standard identifies that the floorspace for such a dwelling should be 70sq m which the appellant states would be achieved, including where the head height is above 1.5 metres.
11. However, this is achieved by including the proposed space under the stairs within the calculation of the dining/living room floorspace. This proposed space may contribute to the storage of 2sq m which the council claim is also required based upon the standard but this would reduce the floorspace associated with the dining/living room. Accordingly, the floorspace proposed would not achieve the standard of 70sq m plus 2sq m of built-in storage. This shortfall is not significant and would only amount to a limited harm associated with the living conditions of the future occupiers.
12. However, the narrow width of the plot and the internal layout of the proposed dwelling would result in the proposed kitchen and bedroom 2 providing limited

floorspace to accommodate furniture and for the future occupiers to be able to move around easily. Although the shortfall in the floorspace compared to the national standard would only be 2sq m, the internal layout of the appeal scheme would be cramped and this would fail to provide satisfactory living standards for the future occupiers.

13. On this main issue it is concluded that the proposed development would fail to provide satisfactory living standards for the future occupiers and, as such, it would conflict with LP Policy LLP25 concerning avoiding backland development where it would give rise to adverse amenity. There would also be a conflict with the Framework whereby developments should provide a high standard of amenity for existing and future users.

Other Matters

14. The occupiers of neighbouring properties have raised concerns associated with their living conditions, principally overlooking, and parking provision. However, the council has not objected to the proposed development on these grounds and there are no reasons to depart from the council's assessment. Ownership of the drive and whether there are rights of access are not matters for determination as part of this appeal.

Conclusion

15. Although the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area, this matter is demonstrably outweighed by the significant harm which would be caused by the failure to provide satisfactory living standards for the future occupiers. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR