



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/24/3353492

67 Grange Avenue, Luton LU4 9AS

- 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 Abid against the decision of Luton Borough Council.
 - The application Ref is 23/01109/FUL
 - The development proposed is the conversion and change of use of a mixed use dwelling house and shop to four flats (4 two bed and 1 one bed), roof alterations and rear dormer with associated internal works and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The revised National Planning Policy Framework (the Framework) was published in December 2024 but does not raise any new matters which affect the assessment of this appeal scheme.
3. The description of development refers to the conversion of the appeal property into 4 flats albeit there is also reference to four 2-bedroom flats and one 1-bedroom flat. The submitted drawings identify 5 flats as being proposed and the appeal has been assessed based upon these drawings.

Main Issues

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

Reasons

Character and Appearance

5. The appeal property is a 2-storey building with mixed commercial and residential use situated within a terrace of similar types of properties fronting Grange Avenue. The surrounding area comprises a mix of commercial and residential uses with variations in the size, design and types of dwellings. Other than a nearby purpose-built apartment building (with commercial use at ground floor), the surrounding residential properties predominantly possess hip and gable roof forms. The appeal property has a gable roof form which is particularly noticeable from Compton Avenue and reflects the roof form of the remainder of the terrace.

6. Planning permission has been granted for the conversion of the property into 4 flats (Ref 22/00921/FUL). The proposed development includes the conversion of the property into 5 flats primarily achieved by alterations to the roof form to create a 2-bedroom apartment. These alterations to the roof are identified as differentiating the design of the proposed development from the approved scheme.
7. Although the building is in mixed use, the residential part of the property would be capable of being occupied as a family house and the council claim there is a need for such accommodation. However, the principle of the property being sub-divided into flats and the consequent loss of a family house has already been accepted by the council in approving the previous scheme. The re-use of the family house has been established.
8. The existing gable roof form would be replaced by a crown roof with hipped roof elements and a large rear dormer extension. When viewed from Grange Avenue the elevation containing the main entrance door and the façade facing towards the road itself would not materially alter. The existing gable feature would be retained and the proposed rooflights and hipped roof element would not detract from the contribution made by the property to the roofscape of Grange Avenue.
9. However, when viewed from Compton Avenue, the 2 existing gable features would be replaced by the proposed crown roof and large dormer extension. From Compton Avenue, the proposed alterations to the roof would visually dominate the property and appear as an additional floor being added to the property. This element of the appeal scheme would not represent a high quality of design which would be sympathetic to the host property, the terrace within which it is located and the predominant roofscape of surrounding buildings when viewed from Compton Avenue.
10. Reference is made by the appellant to the circumstances whereby if the building was in only residential use, then an extension could be undertaken as permitted development. However, this circumstance does not apply to the property and, as such, it is given very limited weight in the determination of this appeal.
11. The existing parking area accessed from Grange Avenue is predominantly hard landscaped and does not make a significant contribution to the streetscene. The proposed use of this area for parking would not materially alter the streetscene. There would be a potential benefit because the landscaped area indicated towards the rear of the site would be visible from this road. However, this does not outweigh the unacceptable harm which has been identified associated with the proposed roof design when viewed from Compton Avenue.
12. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and the streetscene and, as such, it would conflict with Policies LLP15, LLP19 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. Further, the scale and design of extensions should be consistent with the principal dwelling and have a roof style and pitch in keeping with the original roof. 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. Further, for this main issue no specific conflict has been identified with LP Policy LLP31 which concerns sustainable transport.

Living Standards

13. The council has identified a number of concerns about the internal and external layout of the proposed development. Some of these concerns, the appellant claims were also applicable to the approved scheme. However, the full details of the approved scheme's internal and external layout have not been provided and, as such, the layout of the proposed development has been assessed on its own circumstances.
14. Although not in an adopted policy, an assessment has been made by the council of the proposed floorspace of each flat against the *Technical housing standards – nationally described space standard*. It is unclear whether the council undertook a similar assessment of the approved scheme. The size of the proposed flats on the ground and first floors would meet the required space standards for 1 and 2-bedroom one storey dwellings, albeit this would be dependent upon the number of occupiers given the size of some of the bedrooms being larger than normally expected.
15. The proposed flat within the roofspace would be affected by the roofslope and, as such, this would reduce the usable floorspace. There is a difference of opinion as to whether the minimum floor to ceiling height of 2.3 metres would be achieved across 75% of the floor area. The appellant claims that the standard would be achieved whereas the council's calculation indicates only 55% of the floorspace would achieve the standard. The available drawings do not enable an accurate assessment to be made and if this was the only matter of concern associated with the layout of the appeal scheme then this matter would have been clarified.
16. However, although the appellant claims the council's concerns applied equally to the approved scheme, the proposed internal layout is not conducive to a satisfactory level of living standards being provided for the future occupiers. There would be examples of living rooms being both above and below bedrooms which could be a source of noise and disturbance for the future occupiers seeking to sleep.
17. The entrance door to the property would be flanked by 2 large bay windows serving proposed bedrooms. There would be the potential for noise and disturbance for those seeking to sleep in these habitable rooms from future occupiers entering or leaving the property. The concerns about noise and disturbance would be accentuated by the proximity of the proposed parking area and bin store to these bay windows. By reason of the size of the bay windows, there would also be the potential for people entering or exiting the property being able to see into the proposed bedrooms to the detriment of the future occupiers' privacy.
18. The council's claims associated with the inadequacy of the bin storage area and its access could be addressed by a suitable condition requiring further details to be submitted, including identifying an area for the containers to be available for collection. For this reason, there would not be a conflict with LP Policy LLP37 concerning development reducing waste.
19. Some overlooking of amenity space does occur in urban areas and, taking into account the current levels of overlooking of the property and its curtilage, this would

not be a reason for this appeal to fail. Similarly, the lack of a demarcated route to the proposed entrance door would not be a reason for this appeal to fail given the limited use of the parking area and the likely speed of traffic not giving rise to a safety concern of the type referenced at LP Policy LLP31(B)(iv).

20. Although the proposed flats would be an appropriate size in terms of their floorspace and it would be possible to address the provision of bin storage via a condition, these matters are significantly outweighed by the unacceptable harm associated with the internal and external layout of the appeal scheme, in particular the potential for noise, disturbance and loss of privacy for the future occupiers. Accordingly, it is concluded that the proposed development would fail to provide satisfactory living conditions for the future occupiers and, as such, it would conflict with LP Policy LLP25 which refers to development not give rise to adverse amenity and to minimise noise. There would also be a conflict with the Framework which refers to developments providing a high standard of amenity for existing and future users. LP Policy LLP15 is not considered to be of direct relevance to this main issue.

Other Matters

21. There would be an increase in the occupancy of the resulting property when compared to the approved scheme because of the additional flat. However, the additional comings and goings associated with the occupiers of the additional proposed flat would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties. This judgement has been reached because of the mixed use character of the surrounding area, the busy nature of Grange Road and the orientation of the proposed entrance door which would be located away from the nearest residential property. However, this judgement does not alter the conclusions reached on the main issues.
22. The appellant has sought to identify benefits associated with the proposed development, including the proposal being a positive re-use of a vacant building, providing residential accommodation which would meet an identified need, the property being situated at a sustainable location and the jobs created during construction albeit these would occur only for a limited time period. However, these benefits do not collectively outweigh the unacceptable harm and conflicts with the relevant development plan policies which have been identified. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR