
Appeal Decision

Site visit made on 6 May 2025

by **S Simms BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th June 2025

Appeal Ref: APP/B0230/W/25/3361160

10 Derby Road, Luton LU4 0DH

- 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 Zak Hussain against the decision of Luton Borough Council.
 - The application ref. is 24/01172/FUL.
 - The development proposed is a change of use from C3 (Residential) to C2 (Children Care Home) and alterations to fenestration.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council reports that the proposal would house up to two children, but as the Design and Access Statement, Statement of Purpose and drawings refer to or show three, I have dealt with the appeal on that basis.
3. The Council reports that no external changes to the building are proposed. Whilst alterations to fenestration to effect a garage conversion may be permitted development, they are nonetheless a part of the proposal.
4. The description of development does not refer to demolition of a front boundary wall, but the parties refer to it in evidence. The wall was not there on my site visit, so I have dealt with the appeal as partially retrospective.

Main Issues

5. The main issues in this appeal are the effect of the proposed development on the:
 - character and appearance of the area
 - provision of needed housing types
 - need for and sustainability of travel

Reasons

Character and Appearance

6. The site comprises a large, detached four-bedroom bungalow with dormers and a block paved front garden open to the street. A large rear garden, enclosed by a close-boarded fence of about 2m height, contains a single storey outbuilding.

7. The area is mainly residential, but a large hospital, motorway junction, bus stops and a convenience store are close by, and a hospital car park is a short distance away from the site on the same street. A park and schools are within a mile.
8. The other houses on the street are also bungalows, many with dormers. Roughly two-thirds retain soft landscape or some form of enclosure to their front gardens, albeit there are more open hard surfaced frontages near the site.
9. The proposal would change the use of the bungalow into a home for up to three children. Four non-resident carers would work 12-hour shifts, sleeping over on nights. A window surrounded by brickwork would replace the garage door. The parties also refer to the demolition of the front boundary wall.
10. The wall is not shown on any drawings, but a parking detail drawing shows five spaces to the front of the house. These are perpendicular to and less than five metres from the street; some would be difficult to use with any front boundary wall in place. Its demolition and surfacing must therefore be part of the proposal.
11. The wall was not there on my site visit, but block paving adjoining the street and in the centre of the frontage was lighter in colour than the rest and only two sections of kerb at either end of the frontage were dropped, suggesting that demolition and some hard surfacing have taken place to the centre of the frontage.
12. I do not have any evidence of the prior appearance of the wall or of the newly paved area. In any event, the Council's principal concern is the effect of its loss in opening the hard surfaced front garden of the subject property to view from the street, creating a more commercial appearance.
13. Other properties nearby have also removed most or all their front boundary walls. The development opens the full width of the frontage of one of the wider plots on the street. The vista this creates of hard surface compounds the loss of enclosure and soft landscape caused by earlier such examples nearby.
14. Other than the preliminary matters I have dealt with, I have no evidence regarding permitted development rights for this. In any event, it erodes the character and appearance of the area and represents a harm contrary to Policy LLP25 of the Luton Local Plan 2011-2031, which requires character to be enhanced and public spaces to be attractive, and to which I attach significant weight.

Housing Need and Types

15. The Council reports both significant need for family-sized houses and difficulties providing more in the Borough. However, I have no up-to-date Strategic Housing Market Assessment (SHMA) or similar evidence of this. The Borough is also tightly bounded and is only part of the wider Luton Housing Market Area (HMA).
16. Paragraph 63 of the National Planning Policy Framework states that the need for housing for looked after children should be assessed by reference to the local authority's Children's Social Care Sufficiency Strategy. This document is not before me, so I cannot be sure a need exists within the Borough.
17. The Council's Children, Families and Education service comments that there is a national shortage of care for young people but suggests that the home is likely to be used to house children from other local authorities. The submitted business plan also refers to a national shortage and a regional imbalance of supply.

18. Whilst I have not had sight of the Strategies for other local authorities in the HMA, the above comments and business plan suggest there may well be a need across their areas for children's homes. Similarly, it is likely that more suburban parts of the HMA may have more family-sized housing.
19. On balance, I consider that the proposal is likely to have a positive effect on the provision of the most needed housing and would comply with Policy LLP15 of the Luton Local Plan 2011-2031, which addresses need and protects housing and other uses across the HMA. Even if need for protected uses is assessed across the Borough alone, evidence suggests that the need for children's homes overrides that for family-sized housing and the benefits outweigh the loss.
20. I attach significant weight to compliance with policy in this respect. I also attach moderate weight to the fact that the house will not be physically altered by the proposal and could be re-used as family housing.

Need for and Sustainability of Travel

21. As well as the effects of remote placements on children, the regional imbalance in provision of children's care is likely to be causing longer journeys than necessary. Reducing these imbalances will also reduce journey lengths.
22. As the Council reports, comings and goings would not be significantly greater than those associated with family occupation. Schools and other facilities are close by, and the former are more likely to be used by the proposed occupiers.
23. Whilst some trips into the Borough may be created, the proposal would have a negligible effect on the need to travel and a positive effect on the sustainability of that travel by reducing its typical distance and increasing walking.
24. The proposed development would therefore comply with Policy LLP31 of the Luton Local Plan 2011-2031, which seeks to minimise the need to travel and to provide sustainable transport choices. I attach significant weight to this.

Conclusion

25. The harm to the character and appearance of the area means that the proposal would not comply with the development plan as a whole.
26. I conclude, therefore, that the appeal should be dismissed.

S Simms

INSPECTOR