



Appeal Decision

Site visit made on 10 June 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 July 2025

Appeal Ref: APP/B0230/W/25/3359869

74 Hillary Crescent, Luton LU1 5JH

- 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 M O'leary against the decision of Luton Borough Council.
 - The application Ref is 24/00974/FUL.
 - The development proposed is change of use of existing detached garage into dwelling C3.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - whether the proposal would create an adequate living environment for future occupiers, with particular regards to outlook and internal space.

Reasons

Character and appearance

3. The appeal site forms part of the current rear garden attached to a detached bungalow in a residential area and contains a detached garage to the rear of the existing dwelling. The site is part of a group of bungalows at the end of the cul-de-sac. The bungalows are built with similar design characteristics and materials. The properties all front onto the street and, although many have garages and outbuildings to the rear, there are existing backland dwellings in the street. Overall, this creates a pleasing consistency that contributes positively to the character and appearance of the street.
4. The garage has been in situ for some time and is currently ancillary to the existing house and is seen in this context. The conversion of the garage would result in an intensification of the use of the building and the subdivision of the garden, so that the proposed dwelling would be seen separately to the existing dwelling.
5. The proposed dwelling would not respond positively to the existing pattern of development as it would lie in a backland position and would not front onto the street. The dwelling would have a shallower roof pitch than the surrounding bungalows and would have habitable accommodation in the roof space, which would give the appearance of a one-and-a-half storey dwelling. As such the

proposed dwelling would integrate poorly with the built form of the surrounding area, which is predominantly single-storey.

6. Overall, the proposed dwelling would not be in keeping with the street scene and would cause harm to the character and appearance of the area. The proposal would therefore conflict with Policies LLP1, LLP15 and LLP25 of the Luton Local Plan 2011-2031 (2017) (LP) which require, amongst other things, for development to preserve or enhance the character of the area and to respond positively to the townscape, street scene and building context.

Living environment

7. There is a discrepancy on the submitted drawings, with the proposed floorplans showing a window for bedroom 2 but no corresponding window is shown on the proposed elevations. With no window there would be no outlook from bedroom 2 and the room would not receive any natural light, which would create a dark and oppressive room. Furthermore, whilst the obscure-glazed section of the larger window in bedroom 1 would reduce overlooking of nearby properties, it would also restrict outlook for the occupants of the bedroom as the clear glazed rooflights would only provide views of the sky.
8. Headspace would be reduced in the first-floor accommodation as a result of the roof slope. A section drawing has not been submitted to show the floor-to-ceiling heights of the first floor. Even if a minimum floor-to-ceiling height of 2.3 metres over 75% of the gross internal floor area could be achieved in accordance with the Technical Housing Standards – Nationally Described Space Standard (2015) (NDSS), the majority of the bedroom space on the first floor would be situated underneath the lower parts of the roof slope. In any event, the NDSS is guidance only and for the reasons given I find the reduced headspace in this instance would create a cramped living environment for future occupiers.
9. As a result of the very limited outlook from the bedrooms and the reduced floor-to-ceiling space of the first floor, the proposal would fail to provide an adequate living environment for future occupiers.
10. In this regard, the Council cites conflict with LP Policies LLP15 and LLP25. Policy LLP15 relates to housing provision but makes no direct reference to the living environment of future occupiers. Policy LLP25 has regard to high quality design and states that new housing should minimise “noise, overlooking and overshadowing/loss of light, address tall buildings and the protection of important views and ensure access to storage and privacy.” No concerns are raised in relation to these specific matters, and the policy makes no reference to outlook or internal space. As such, there would be no direct conflict with Policies LLP15 and LLP25.
11. Although there is no direct conflict with these policies, the proposal would conflict with paragraph 135 of the National Planning Policy Framework (the Framework), insofar as it requires developments to have a high standard of amenity for existing and future users. I attach substantial weight to the conflict with the Framework. For this reason the proposal would conflict with LP Policy LLP1, which states that planning permission will be granted where applications accord with local plan policies unless material considerations indicate otherwise.

Other Matters

12. Even if the proposed dwelling was considered to be a more beneficial use than the existing garage, the provision of one additional unit would only make a small difference to the existing supply of housing in the area. Economic advantages would arise from the conversion works and the occupation of a new dwelling, although some of these would be temporary and limited again by the scale of the scheme. I therefore ascribe limited weight to these matters, which do not outweigh the harms identified above.
13. The Council has raised no concerns regarding parking, external amenity space or the effects on the living conditions of neighbouring occupiers and, based on the evidence before me, I have no reason to disagree. However, an absence of harm in these regards is a neutral factor.

Conclusion

14. I have found the proposal conflicts with the development plan read as a whole and material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude the appeal should be dismissed.

D Ellis

INSPECTOR