



Appeal Decision

Site visit made on 5 August 2025

by A Phillips MPlan BA CertHE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal Ref: APP/B0230/W/25/3367404

5a Mountfield Road, Luton LU2 7JN

- 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 Nigel and Susan Hyde against the decision of Luton Borough Council.
 - The application Ref is 24/01432/FUL.
 - The development proposed is described as: Conversion and change of use from a six person HMO (Class C4) to a nine person HMO (Sui-Generis) and erection of a single storey rear extension to garage to enable conversion and change of use of garage to a one bed flat and alterations to fenestration.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect on the character and appearance of the local area.
 - The effect of the proposed development on the living conditions of the occupiers of 5 Mountfield Road with particular reference to potential for noise and disturbance.

Reasons

Character and appearance

3. Mountfield Road is predominantly defined by semi-detached two storey interwar dwellings. 5a Mountfield Road (5a) is an exception to this by being a detached one and a half storey dwelling, with detached living accommodation (numbered as 5b) on a large plot. In addition, 5a is not visible from the public realm of Mountfield Road.
4. The Council, whilst it raises concern in how the bins would be manoeuvred in and out of the site on collection day, it considers that this issue could be overcome by a condition to prevent there from being harm to the appearance of the street scene.
5. The main area of concern from the Council is that the proposal would not be in keeping with the character of the family homes in the local area. However, this site is already an exception both in its use and in its character as a back land plot. Therefore, the proposal would not lead to any material change in the character of the area.

6. On this issue, I conclude that the proposal would preserve the character of the area. On this basis, the proposal complies with Policies LLP1, LLP17 and LLP25 of the Luton Local Plan 2011-2031 November 2017 (Local Plan), which seek to ensure the character of the area is preserved.

Living conditions of 5 Mountfield Road

7. The neighbouring residential property of 5 Mountfield Road (No.5) is located adjacent to the driveway of the appeal site. No.5 has several windows in the side elevation that face directly onto the driveway, with one of these potentially serving a habitable room. No.5 also has a front door and a bay window in the front elevation that are both near the driveway.
8. There is history on the site that it had consent granted in 2017 for a children's home. However, the evidence in front of me shows that this was not implemented, and in any event, would have been determined on its own merits and there is no evidence before me to make a direct comparison with the current proposal. On this basis, only limited weight is granted in favour of the appeal to this previous approved conversion.
9. Both the Council and the appellant have confirmed that there is no need to increase the amount of car parking spaces on site. However, partially from the proposed self contained one bedroom flat, there would be an increase in 3 additional people. The connected movements from work, leisure, visitors and deliveries directly past No.5 from these additional people would have a detrimental impact on the living conditions of this property.
10. No condition has been presented that would overcome the potential disturbance to No.5; nor do I consider there is likely a possibility that a condition could preserve the living conditions of No.5 and comply with paragraph 57 of the National Planning Policy Framework 2024.
11. On this issue, I conclude that the proposal would cause detrimental disturbance to the residents of No.5. On this basis, the proposal does not comply with Policies LLP1 and LLP25 of the Local Plan, which seek to ensure development provides healthy places to live and minimises noise disturbance.

Conclusion

12. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

A Phillips

INSPECTOR