



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: 5th September 2025

Appeal Ref: APP/B0230/W/25/3365321

The English Rose, 46 Old Bedford Road, Luton LU2 7PA

- 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 G Krova on behalf of Chiltern Rose Ltd against the decision of Luton Borough Council.
 - The application Ref is 24/01178/FUL.
 - The development proposed is described as: Construction of a new building containing 6 two bed flat units - land adjacent 46 Old Bedford Road.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The submitted drawings have conflicting information between the 'Proposed Site Plan' and the 'Proposed Floor Plans'. Both the Council and the appellant have confirmed the ground floor plan shown on the 'Proposed Floor Plans' to be the correct layout. I have made my determination on this basis.

Main Issues

3. The main issues are:
 - the effect on the character and appearance of the local area.
 - whether the proposed development would provide acceptable satisfactory living conditions for future occupiers, with specific reference to outlook and daylight, as well as the provision of private outdoor amenity space and the effect of the proposed development on the living conditions of the occupiers of 46 Old Bedford Road with particular reference to privacy.
 - whether the proposal provides a suitable housing mix.

Reasons

Character and appearance

4. Old Bedford Road is predominantly defined by two storey dwellings with a mix of architectural styles, though it is noted that there are taller buildings in the locality including those found on North Street and Plait Court. The proposed building is located to the side of The English Rose, 46 Old Bedford Road.
5. The proposed three storey building would have its second floor partially in the roof space and would be of similar overall height to the neighbouring properties. Therefore,

while the design of a three storey building is not typical in this part of Old Bedford Road the overall height is not harmful to the character and appearance of the street scene.

6. While the height of the proposal is not harmful, the proposed design with its higher eaves height than the neighbouring properties along Old Bedford Road is not in keeping with its locality. In addition, the overall massing from the amount of brickwork and the lack of architectural details to break up this massing would detract from the character and appearance of the area. This harm would be further exacerbated by the proposal sitting in front of 54 Old Bedford Road (No.54) and taking up most of the frontage of the site. The use of contrasting brickwork would not sufficiently break up the massing of the proposal.

7. I therefore conclude on this issue that the proposal would harm the character and appearance of the local area. On this basis, the proposal does not comply with Policies LLP1 and LLP25 of the Local Luton Plan 2011-2017 November 2017 (Local Plan), which seek to preserve or improve the character of the area and ensure high quality design. This is supported by the National Planning Policy Framework (NPPF).

Living conditions

8. The proposed floor plans show several of the proposed flats lounge/kitchen and bedroom windows would directly face towards the two storey side wall of No.54. Given the distance between these windows and No.54 these rooms would have a poor living environment, due to limited outlook and daylight.

9. The Council has acknowledged that the required external amenity space is 36sqm, while the proposal would provide 120sqm. While it is accepted that some of this space would be constrained, it is still considered to overall provide acceptable external private amenity space.

10. The plans submitted show a clear divide between the proposed flats and the existing flats contained within 46 Old Bedford Road (No.46). The distance between the first floor and second floor bedroom windows facing No.46 would not be sufficient to prevent detrimental loss of privacy to the occupants of No.46. While it is acknowledged that the two amenity spaces could be joined in the future, this is not what is before me.

11. I therefore conclude on this issue that the proposal would not provide acceptable living conditions for future occupiers of this proposal on the grounds of lack of outlook and daylight, as well as causing detrimental harm to the occupants in the flats at No.46. On this basis, the proposal does not comply with Policies LLP1 and LLP25 of the Local Plan, that seek high quality places, privacy and healthy places to live. This is supported by the NPPF.

Housing mix

12. The proposal is for 6 flats that would have one double bedroom and one single bedroom each. The Council states that the proposal would not comply with the Strategic Market Assessment or Strategic Housing Land Availability Assessment, which currently seek a greater need for 2 bedroom 4 person and 3 bedroom units. While these supporting documents have not been provided for me to consider, it is noted that policy LLP15 of the Local Plan seeks new residential development to have a mix of different housing sizes. In addition, the appellant in its evidence has only stated that two bedroom dwellings are in demand in the locality, which does not conflict with the Council seeking 2 bedroom 4 person units.

13. I therefore conclude that the proposal does not provide a suitable mix of residential dwellings. On this basis, the proposal does not comply with Policies LLP1 and LLP15 of the Local Plan, which seek to provide a suitable housing mix and creation of sustainable communities.

Conclusion

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

A Phillips

INSPECTOR