



Appeal Decision

Site visit made on 5 December 2025

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2025

Appeal Ref: APP/B0230/W/25/3364499

84 Wingate Road, Luton LU4 8PY

- 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 John O'Reilly against the decision of Luton Borough Council.
 - The application reference is 24/01149/FUL.
 - The development proposed is the construction of 2 No. two bedroom (4 person) flats, 1 No. one bedroom (1 person flat), a one-bedroom bungalow and a two-bedroom bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are firstly, the effect of the proposed development on the character and appearance of the local area; secondly, whether the proposal would provide satisfactory living conditions for future occupiers with particular regard to outlook, light and outdoor amenity space (OAS); and thirdly, whether the proposed development would provide an appropriate mix of housing.

Reasons

Character and appearance

3. The site comprises a builder's yard that includes a detached building at the front and several outbuildings and containers towards the rear. It faces the southern side of Wingate Road along which are 2-storey dwellings with good sized rear gardens. On the northern side of this highway are mainly commercial premises.
4. The Council has recently granted planning permission for a development that includes a 2-storey building facing Wingate Road with 3 flats, and a 3-bedroom bungalow towards the rear of the site. The approved scheme establishes the principle of residential development at this location. It also provides a realistic fallback position against which the proposal before me should be evaluated.
5. Compared to the approved scheme, the proposal before me retains the frontage block of flats unaltered. The approved bungalow is, however, replaced with 2 separate single-storey dwellings: one 1-bedroom unit and one 2-bedroom unit, which are referred to on the submitted plans as Units 4 and 5 respectively.
6. The combined footprint and floor area of the 2 new dwellings would be smaller than that of the approved bungalow, with no significant change proposed to the general style, materials used and building height. However, the acceptability of development is not determined solely by footprint or floorspace, but by the resulting

layout, spatial relationships and perception of built form within the site. In this case, the proposal would result in a more fragmented layout compared to the approved scheme with two detached buildings that would occupy separate plots with individual gardens and hard surface areas.

7. When seen from the access road and parking areas within the appeal scheme, Unit 5 would appear uncomfortably close to the sidewall of Unit 4 on one side and the site's boundary on the other. That a narrow corridor would separate the 2 buildings would reinforce this impression. With limited space on 2 sides, Unit 5 would draw the eye as cramped in terms of layout and squeezed into a restricted plot. Notwithstanding the reduced footprint overall, the proposal would represent an overly intense development of the site mainly as a result of the subdivision of the rear plot and the constrained relationships created between the new buildings.
8. The proposed arrangement would contrast with the generally more spacious pattern of existing development along Wingate Road along which neighbouring buildings are spaced further apart and occupy plots that include larger gardens. It would also differ to the approved scheme, where a bungalow would occupy the rear plot as a single building with meaningful space around it.
9. On the first main issue, I conclude that the proposed development would cause significant harm to the character and appearance of the local area. As such, it conflicts with Policies LLP1, LLP15 and LLP25 of the Luton Local Plan 2011–2031 (LP) and the policies of the National Planning Policy Framework (the Framework). These policies promote high quality design and aim to ensure that developments preserve or improve local character and add to the overall quality of the area.

Living Conditions

10. Each of the 2 bedrooms within Unit 5 includes a single window that would directly face the southern boundary of the site at close range. Given that a solid fence or similar feature would mark this boundary with the upper section of sizeable outbuildings within the gardens of neighbouring properties just beyond, the views from these habitable rooms would be unduly confined. The outlook from this element of the appeal scheme would be unacceptably poor.
11. I note that the approved bungalow would also include 2 bedrooms with a restricted outlook towards the site's southern boundary. However, it would also include an extra bedroom from which there would be relatively open views across the access road and parking area. This arrangement would compensate for the deficiencies in the outlook from other bedrooms within the same dwelling. As Unit 5 includes 2 bedrooms, that opportunity would not be available to its future occupiers.
12. Given the southerly aspect of Unit 5, the submitted plans and the appellant's evidence that refers to the Building Research Establishment's (BRE) guidance, the sunlight and daylight reaching its habitable rooms would be sufficient to avoid them feeling gloomy or uninviting. Even so, compliance with BRE guidance does not satisfactorily address the separate matter of outlook.
13. While the amount of OAS within the appeal scheme would meet the Council's standards, the areas serving future occupiers of Units 4 and 5 would be limited to small areas around each dwelling. Nevertheless, these areas would still be suitable for day-to-day activities such as sitting out or drying clothes even with boundary fencing and neighbouring outbuildings in place. While the quality and usability of the proposed OAS would be modest, this concern alone would not in itself justify the refusal of planning permission.

14. Nevertheless, I conclude that the proposal would not provide satisfactory living conditions for future occupiers. As such, it is contrary to LP Policies LLP1 and LLP25 and the Framework insofar as they aim to safeguard residential amenity.

Housing Mix

15. The Council considers that there is a local need for family-sized homes within the Borough by reference to Strategic Housing Market Assessment. This evidence informs LP Policy LLP15, which aims to secure an appropriate mix of dwellings that meets the needs for the Luton Housing Market Area. There is no substantive evidence before me to indicate that this identified need has significantly changed.
16. I accept that residential units with 2-bedrooms may be suited to some families. However, it seems to me that a 3-bedroom dwelling, as approved, would be better suited to family occupation than smaller units of accommodation, as proposed. On that basis, the proposed development would be at odds with the Council's policy.
17. I recognise that the occupancy level across the entire development would be the same as the approved scheme, albeit in a different format. Nevertheless, housing policy is concerned with the size, type and tenure of dwellings to be delivered, rather than occupancy levels. That the Council's Strategic Planning and Housing Officers did not respond as consultees to the planning application does not necessarily mean that there is no need for family-sized accommodation. Other factors might account for the lack of a reply. The appellant has also suggested that the proposed 1-bedroom bungalow might facilitate downsizing that could release an under occupied family dwelling for use elsewhere. However, no evidence has been provided to substantiate this claim, nor to demonstrate that such an outcome would meaningfully address the need for family housing identified by the Council.
18. Against that background, I conclude on the third main issue that the proposal fails to provide an appropriate housing mix. It is therefore contrary to LP Policy LLP15 and the Framework's objective of delivering mixed and balanced communities.

Other Matters

19. Once complete, the proposal would add to the supply of housing on a brownfield site in an accessible location. Housing at this location would be a more compatible use than the existing builder's yard given nearby housing. The Nationally Described Space Standards would be met and there would be employment opportunities during the construction phase. The Council's Environmental Protection and Highways Officers raise no objection. New planting within the scheme may also enhance biodiversity. I have afforded these benefits moderate weight individually and cumulatively. However, even when taken together, these considerations do not outweigh the significant harm that I have identified.

Conclusion

20. Overall, the proposed development conflicts with the development plan, when read as a whole. There are no material considerations, including those of the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR