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## Appeal Decision

Site visit made on 9 December 2025

**by Jennifer Wallace BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 December 2025

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### **Appeal Ref: APP/B0230/W/25/3372716**

#### **30A King Street, Luton LU1 2DP**

- 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 Syed T Shah against the decision of Luton Borough Council.
  - The application Ref is 25/00530/COU.
  - The development proposed is conversion and change of use to create four residential flats and ground floor office and alteration to fenestration to create new entrance door.
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### **Decision**

1. The appeal is allowed and planning permission is granted for conversion and change of use to create four residential flats and ground floor office and alteration to fenestration to create new entrance door at 30A King Street, Luton LU1 2DP in accordance with the terms of the application, Ref 25/00530/COU, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with drawing nos Location Plan, BikeDock solutions and 30AKS-PL25-001.
  - 3) The exterior door hereby approved shall not be installed until details of its materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
  - 4) Prior to first occupation of the flats hereby permitted, details of a scheme for the storage of waste/recycling for those flats shall be submitted to and approved in writing by the Local Planning Authority. The scheme thereby approved shall be installed prior to first occupation and retained thereafter for the lifetime of the development.
  - 5) Construction work shall not take place until a scheme for protecting the proposed flats from external noise has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before any flat is occupied and retained thereafter for the lifetime of the development.
  - 6) Prior to the first occupation of the flats hereby approved, the cycle parking spaces shown on the approved plans shall be available for use by the occupiers of the flats. The cycle parking provision shall be retained thereafter for the lifetime of the development.

## **Main Issues**

2. The main issues are:

- whether the proposal would provide a suitable mix of housing to meet the needs of the Borough;
- the effect of the proposal on the character and appearance of the area with particular regard to the Town Centre Conservation Area; and
- whether the proposal would provide suitable living conditions for future occupiers of the proposed flats.

## **Reasons**

### *Housing Mix*

3. Local Luton Plan 2011-2031 (adopted November 2017) (LLP) Policy LLP15 seeks to ensure that housing delivery reflects the identified housing need requirements of Luton and its associated housing market area. The evidence before me indicates a need for 420 1-bed dwellings, and that delivery between 2011/12 and 2018/19 of such dwellings was 2,307. This is a substantial over-provision in the early years of the plan which runs the risk of housing development failing to meet the established needs in the Borough. While LLP Policy LLP15 confirms that higher densities will be encouraged within Luton Town Centre, this does not mean that the properties provided must be smaller units.
4. The proposal would therefore fail to provide a suitable mix of housing to meet the needs of the Borough. It would be contrary to LLP Policies LLP1 and LLP15 which seek to ensure that housing delivery meets the needs of the area including with respect to size.

### *Character and Appearance*

5. The appeal site lies within the Town Centre Conservation Area (CA) where s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. Its character and appearance are derived from its urban layout and the evidence of the historic and ongoing development of Luton. The appeal property contributes to this with its position in the street reflecting the back of pavement position of the majority of surrounding properties and by providing interest in the street scene through the detailing to property.
6. The CA as a whole is characterised by mixed uses, and so the use of the upper floors for residential would have a neutral effect. To facilitate the proposed uses, and retain the commercial use at ground floor, the installation of a door to replace the existing centre window is proposed to serve the ground floor office. The existing window sits between pilasters. These would be retained, maintaining the vertical feature detailing of the building. The loss of the render would have a neutral effect on the building.
7. The proposed glazed door would have a narrow frame and would be set back from the frontage of the building. It would have a fairly large over-door light, however in height it would be well related to the height of the fanlight above the existing door. It would be a clearly modern alteration to the building. However, the building itself

has been recently extended upwards. There are also modern buildings with distinctive irregular patterns of fenestration adjacent to and opposite the appeal site. Overall, it is considered the proposal would be a neutral change to the appeal property. Consequently, the character and appearance of the CA would be preserved.

8. The proposal would have a neutral effect on the character and appearance of the area with particular regard to the Town Centre Conservation Area. It would be in accordance with LLP Policies LLP1, LLP25 and LLP30 which require development to be well designed and to conserve Luton's heritage.

### *Living Conditions*

9. The proposed dwellings, ranging from 35sqm to 36.4sqm would be below the minimum identified in the Nationally Defined Space Standard (NDSS) of 37sqm for this type of dwelling. However, the use of the NDSS is not required by any policies of the development plan, including Policy LLP15 which specifically addresses housing need and size of dwelling. Footnote 51 of the National Planning Policy Framework (the Framework) is clear that the use of optional standards should be required through policies in the development plan where the need for an internal space standard can be justified.
10. There is no evidence before me to justify the need for a minimum internal floorspace. Nor has the Council substantiated its assertions that the proposal would provide inadequate living conditions. Its officer report confirms that the layout of the flats would be acceptable, and that there would be appropriate levels of light and outlook to future occupiers of the proposed flats. While it is unfortunate that the proposed dwellings are below the NDSS, footnote 51 of the Framework is clear.
11. The Council's officer report sets out the proposal would not provide any external amenity space. However, this does not form part of the reason for refusal. While not explicitly stated, it is acknowledged that future occupiers would be able to access the open space available in nearby parks. This is common of flats in urban locations and so would not result in unacceptable living conditions.
12. I therefore conclude that the proposed development would provide adequate living conditions for future occupiers with respect to the internal space of the dwelling. It therefore would be in accordance with LLP Policies LLP1, LLP15 and LLP25 which, taken together and insofar as they relate to this appeal, seek to deliver housing with acceptable living conditions.

### **Other Matters**

13. There is no change in the pattern of fenestration to the building on the upper floors. Overlooking from the existing uses could occur and the proposal would not result in overlooking that would be materially different from that which could occur at present.
14. There is no substantiated evidence of parking stress in the area which would be made worse by the proposal. Nor is there any reason that the proposal would be likely to result in an increase in crime and disorder. Issues with people choosing to park in private spaces are civil matters which would be addressed through other means. I have been provided with details of an ongoing concern with respect to

trespass from the construction of the building, however this is also an issue for which a separate remedy should be sought.

15. The Council's officer report raises concerns of conflict with LLP Policy LLP14 regarding the loss of office space. However, this was not referred to in the reasons for refusal. Nor was LLP Policy LLP14 cited. I have therefore not considered this issue further. The provision of postal services and utilities are matters for the developer to address in bringing the scheme forward.

### **Planning Balance**

16. The Council cannot demonstrate a deliverable five year supply of housing land although this has not been quantified. Consequently, paragraph 11d)ii of the Framework is engaged. This sets out that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having regard to key policies.
17. There is a benefit arising from the delivery of four dwellings. Given the Council cannot demonstrate the requisite level of supply, I attach moderate weight to this. There would also be economic benefits during the construction and occupation stages of the development although I attach only limited weight to this given the proposal is for conversion and involves four dwellings.
18. A substantial number of 1-bed dwellings have been delivered. However, this data is of quite some age both in terms of identifying housing need and monitoring delivery. Paragraph 79 of the Framework is clear that local planning authorities should monitor progress in building out sites. There is no evidence before me to explain why there is no data since 2018/19. I therefore attach limited weight to this conflict.
19. While I have found the proposal would give rise to suitable living conditions for future occupiers and would preserve the character and appearance of the CA, these are to be expected of any well designed development and so would be neutral in my assessment.
20. I therefore find that the adverse impacts of the development are limited and would not significantly and demonstrably outweigh the identified benefits when assessed against the policies of the Framework as a whole. The proposal therefore benefits from the presumption in favour of sustainable development and planning permission should be granted.

### **Conditions**

21. The Council has suggested several conditions should the appeal be allowed. I have had regard to these in light of the advice contained within paragraph 57 of the Framework and the Planning Practice Guidance (PPG). I have imposed standard conditions relating to the commencement of development and approved plans to define the terms of the permission.
22. The door to be installed would not necessarily match any of the existing materials, so details should be submitted and approved in the interests of the character and appearance of the area. It is reasonable and necessary to ensure that suitable provision for the storage of waste can be provided. While the submitted plans show a bin storage and collection point, this is not indicated as being within the

appellant's control on the site location plan. It is therefore necessary to require details to be submitted.

23. While not suggested by the Council, the public protection officer recommended conditions relating to internal noise at the site. It is reasonable and necessary to ensure that noise levels within the properties would be acceptable, particularly given its location in proximity to a busy dual carriageway. I have imposed a different condition to that suggested by the environmental health officer to ensure that appropriate measures are taken at the time the condition is discharged.
24. Also while not suggested by the Council, it is reasonable and necessary to require the cycle parking provision is available for use by occupiers of the flats prior to their first occupation in the interests of promoting sustainable means of travel.
25. There is no land use planning reason to control the management and maintenance of the internal areas. There is no evidence of levels of crime and disorder in the area to require the site security measures to be controlled through the planning system. No justification for the removal of permitted development rights has been put forward, even in the event that commercial premises or flats benefitted from such rights. As only limited physical works are proposed, it would not be necessary to require the submission of a construction and environmental method statement. The other comments of the local highway authority relate to highway matters which could be addressed by other legislation.

### **Conclusion**

26. For the reasons given above, the appeal should be allowed.

*Jennifer Wallace*

INSPECTOR