



Appeal Decision

Site visit made on 8 January 2026

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2026

Appeal Ref: APP/B0230/W/25/3373385

The Acorns, 114-116 Old Bedford Road, Luton LU2 7PD

- 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 Ideal Properties (UK) Limited against the decision of Luton Borough Council.
 - The application Ref is 25/00455/FUL.
 - The development proposed is erection of two storey rear extension, two additional storeys with green roof to create five new flats and the reconfiguration of the existing layout to create new entrance hall, bin storage and secure cycle storage, external changes involving removal of external staircase, additional window/door openings and minor repairs to the front elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended description of development was agreed by the parties. I have therefore taken the description of development in the banner heading from the appeal form, which matches that used by the Council in its decision notice.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of neighbouring occupiers and whether the proposal would provide acceptable living conditions for future occupiers.

Reasons

Character and Appearance

4. Old Bedford Road is characterised by large seemingly Victorian properties set in long plots which have a consistent relationship to the street. While I note the references in the planning history to there being a light industrial history to some properties in the area, at my site visit the area appeared to be predominantly residential in nature.
5. The appeal property is a detached building with a long, two storey rear extension with a lower ground floor to the rear and was in residential use. Many of the properties adjacent to the site appeared to have been extended. Consequently, the area has a dense, urban character.

6. The proposal would be a substantial two storey, flat roofed extension. The scale of the proposal is such that the flat roof would be visible above the apex of the roof of the front of the property. While this would only be to a limited degree, it would nonetheless detract from the primacy of the dwellings fronting the street as the key features in the street scene. Consequently, the proposal would appear as a poorly related addition to the property which would have a detrimental effect on the character and appearance of the area.
7. The proposed extension would be of a considerable scale, siting an additional two floors above the existing two storey rear extension along with a four storey extension where there is a single storey extension at present. However, it would only be visible in short, glimpsed views between other properties on Old Bedford Road. Given the extent of built form to the rear of the other properties in the area, which are also only visible in similar glimpsed views, the proposal would not appear incongruous. The proposal would inevitably intensify the use of the site. However, given the density of the surrounding development, this would not be to the detriment of the character and appearance of the area. In this respect, I find the proposal would not conflict with Local Luton Plan 2011-2031 (adopted November 2017) (LLP) Policy LLP15.
8. The proposed extension would have windows positioned vertically in line with each other, albeit at irregular intervals. This pattern would not be well related to the windows on the existing floors of the building, which have an irregular appearance and pattern. At my site visit, a range of roof forms to the surrounding buildings was apparent. Consequently, given the limited merit of the existing rear elevation, the proposed extension would be reasonably well related to it.
9. The proposal would have an adverse effect on the character and appearance of the area. It would be contrary to LLP Policies LLP1 and LLP25 which require development to preserve or improve the character of an area and respond positively to street scene, building context and height.

Living Conditions

10. As noted above, the area is densely developed and some of the neighbouring properties are in close proximity to the appeal site. As the proposal is for residential development in a residential area, I have no reason to think there would be an undue increase in levels of noise and disturbance. The removal of the external staircase would also remove a potential source of disturbance to occupiers.
11. 112 Old Bedford Road has a long rear projection with windows serving the properties within that extension facing onto the appeal site. Those windows face north and are enclosed to a notable degree by the existing property. However, the addition of a further two stories would add significantly to the sense of enclosure felt by occupiers of those properties as a result of the increased height. This would also be true of the properties at 106A Old Bedford Road. In particular, some properties on the upper floor of that property would now have elevations and windows facing directly on to them. This would result in a loss of outlook and a loss of privacy to those properties from the increase in overlooking.
12. The additional two floors would also result in an increase in the sense of enclosure to 4, 6 and 8 Clarendon Road where at present the two storey elements of the existing property are set away from the boundary. The proposal would bring the

side elevation of the property closer to the boundary with those properties, and introduce windows where at present there are none. This would result in an increase in overlooking which would adversely affect the enjoyment of those properties. While a number of these windows would be serving the internal circulation space, the effect on overlooking would nonetheless be adverse.

13. There is no substantive evidence before me as to the windows in the neighbouring properties that would be subject to the increase in overlooking. It would not be reasonable to require obscure glazing of so many windows, or to those windows serving habitable rooms of the proposed flats.
14. While no concerns have been raised with respect to the living conditions of the proposed dwellings, no outdoor amenity space is proposed. This would be detrimental to the living conditions of future occupiers. Although a balcony has been proposed, this would be for the occupiers of one unit only. Its utility as an open space would be limited due to it facing onto the roof slope of the existing property. Furthermore, it would add materially to the sense of loss of privacy to neighbouring properties due to its open nature. The green roof would not be readily visible to occupiers of the dwellings at the appeal site and so would not offset the lack of private amenity space.
15. A Sunlight and Daylight Study was provided in support of the appeal, concluding that the proposal would have an acceptable effect on the living conditions of existing occupants at both the appeal site and the neighbouring properties. However, this is in draft form. It refers to policies of the London Plan which would not be relevant in Luton. The tabulated results do not correspond to all of the windows shown in the diagrams. These all combine to reduce the weight I attach to the findings of this survey. Notwithstanding, due to the orientation of the windows at Nos 112 and 106A, and position of the extension relative to the other surrounding properties on Old Bedford Road, and Clarendon Street, I am satisfied there would not be an adverse effect on levels of sunlight and daylight to those properties. However, this is to be expected of any well designed development and so would be neutral in my assessment.
16. The proposal would have an adverse effect on the living conditions of surrounding residential properties and would not provide suitable living conditions for future occupiers of the proposed flats. It would therefore be contrary to LP Policies LLP1 and LLP25 which, taken together and insofar as they relate to this appeal, seek to deliver housing with acceptable living conditions.

Other Matters

17. The site is located within the urban area of Luton and so would allow for ready access to services and facilities by sustainable means. Secure bike storage would be provided and I have no reason to think this would not be sufficient to meet the needs generated by the additional flats. A green roof is proposed which would provide drainage and ecological benefits. Provision would be made for internal cycle parking and bin storage. A new communal entrance would allow for easier circulation through the building.

Planning Balance

18. 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.

19. There would be a benefit arising from the delivery of five additional 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. I also note the proposed improvements to the internal layout of the existing properties, the provision of off-street bin storage and the addition of two bedroom properties to the housing mix. While fire safety is controlled through other legislation, there is a public benefit from a more centrally located means of escape to occupiers of the existing first floor. The provision of a green roof would provide modest ecological and drainage benefits, irrespective of the fact the site is not identified as being at risk of flooding. I attach limited weight to these benefits given the limited scale of the proposal.
20. Given the proximity of the site to open spaces and the flatted nature of the proposal, I reduce the weight to the conflict with the development plan with respect to the provision of amenity space. However, against the benefits of the proposal are the adverse effects that I have identified in respect of the effects on the character and appearance of the area and the living conditions of existing occupiers. These bring the proposal into conflict with paragraph 135 of the Framework in so far as it requires development to add to the overall quality of the area, and provide a high standard of amenity for users and I attach significant weight to these harms. Consequently, I find that the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore does not benefit from the presumption in favour of sustainable development.

Conclusion

21. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations, including the Framework, of sufficient weight to indicate the decision should be taken otherwise. For the reasons given, I conclude that the appeal should be dismissed.

Jennifer Wallace

INSPECTOR