

Appeal Decision

Site visit made on 28 November 2016

by R J Jackson BA MPhil DMS MRTPI MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 02 December 2016

Appeal Ref: APP/B0230/D/16/3156443
25 Bradley Road, Luton LU4 8SL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr F Gilani against the decision of Luton Council.
 - The application Ref 16/00565/FUL, dated 23 March 2016, was refused by notice dated 20 May 2016.
 - The development proposed is outbuilding in rear garden.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The structure of the proposal had been constructed and it appeared to be being used for what storage of domestic items. However, the external walls of the proposal had not been completed in render as stated on the application form, but rather were blockwork. It is appreciated that the proposal, if permission is granted, would be to render the walls.

Main Issue

3. The main issue is the effect on the character and appearance of the area.

Reasons

4. The appeal property is a mid-terrace house, although there are pedestrian access ways between some of the properties at ground floor level. The site slopes significantly east/west but the rear garden has been levelled across its width. This means that the garden of the property to the west, 27 Bradley Road, is approximately 1 m below that of the appeal site, and the garden to the east, is at a higher level.
 5. To the rear of the appeal site is the Luton/Dunstable Busway. On the southern side of this is a footpath/cycleway, which at the time of my site visit was undergoing significant reconstruction works. The Busway and footpath/cycleway are essentially level meaning that the rear and side of the appeal building can clearly be seen from the southeast when the Busway and footpath/cycleway are in a cutting.
 6. There are several other outbuildings to the rear of the properties in Bradley Road of varying sizes, including one at No 27. However, all of these appear less substantial. In particular the mono-pitch of the eastern side elevation
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makes the appeal building and its roof appear bulky, particularly as it is raised above the Busway and footpath/cycleway. It is therefore harmful to the street scene when viewed from the Busway and footpath/cycleway.

7. I have been referred to another outbuilding to the rear of 141 Bradley Road and viewed this from the Busway and footpath/cycleway. However, this is in an area of a different character on the opposite, western, side of the M1 made up predominantly of semi-detached properties and does not affect my conclusions on the effect of the proposal on the character and appearance of the area.
8. In its reason for refusal the Council has referred to Policy H4 of the Luton Local Plan (the LLP) which requires extensions to dwellings to be of a scale, design and external materials consistent with the dwelling and neighbouring properties and not to significantly reduce the amenity of nearby occupiers. Although in footprint similar in size of the dwelling, given the separation, the appeal building reads as a sub-ordinate structure, and I am satisfied that it does not give rise to unacceptable effects on the living conditions of the occupiers of neighbouring properties. Therefore I am satisfied that there would be compliance with Policy H4.
9. However, due to its bulk when viewed from the south and southeast the proposal is harmful to the character and appearance of the area. It would therefore be contrary to Policies LP1 and ENV9 of the LLP in that it fails to maximise the opportunity to improve the physical environment of Luton and does not enhance the character and appearance of the area. In addition paragraph 64 of the National Planning Policy Framework indicates that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Other matters

10. I appreciate that the proposal provides a benefit to the occupiers of the dwelling and undertaking any necessary works to secure compliance with planning control will cause some inconvenience, but these do not outweigh the considerations I have set out above.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR