

Appeal Decision

Site visit made on 17 January 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 3rd February 2017

Appeal Ref: APP/B0230/Z/16/3159845

67 Leicester Road, Luton LU4 8SF

- 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 M Hanif against the decision of Luton Borough Council.
 - The application Ref 16/00665/FUL, dated 12 April 2016, was refused by notice dated 1 July 2016.
 - The development proposed is erection of front canopy.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. 67 Leicester Road includes a retail unit at ground floor and is situated in a street that is predominantly residential in its character and appearance. The property is prominent in views along the road in either direction, reinforced by its corner plot location. The building is undergoing refurbishment and extension works to increase the retail area at ground floor. The existing canopy in front of the building covers the width of the original shop front before the construction of the side extension. Based on the evidence before me, including my site visit, the canopy is quite open and has a rudimentary and temporary appearance. I note that the Council requires the canopy to be removed as part of the approved scheme for the extension works (ref: 14/01567/FUL).
 4. The proposed development would represent a relatively small increase in retail area over that already permitted and would not be an over-intensification of use. However, the proposed canopy would cover the full width of the extended retail unit and would be a solid and enclosed space by virtue of glass walls to the sides and a roller shutter door at the front when the shop is closed. Even when the shop is open, the development would be large and bulky at the front of the property notwithstanding its subordinate size compared to the rest of the building. The set back from the pavement and road would not avoid an overly dominant effect when viewed from either direction.
 5. While I accept that it would be possible to use high quality materials of a permanent appearance, the use of glazing panels on the roof and side walls along with a roller shutter door would look incongruous in an otherwise
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residential street scene. The proposed canopy would be an enhancement on the existing canopy, but this does not outweigh the harm I have identified and also the planning status of the existing canopy is uncertain. The apparent absence of any official design guidance from the Council relating to canopies does not mean that any design is acceptable.

6. I note that a number of other retail units in the wider area have front canopies or extensions of similar scale and design. Many of them are within high street or shopping parade locations, rather than isolated units in a residential area. In any case, I do not know the full planning history of any other front canopy, including those highlighted by the appellant, and no two examples appear identical. The recent appeal decision at 84-86 Roman Road¹ would seem to involve a structure not too dissimilar in visual appearance to the existing structure, which is not the case in terms of this appeal proposal. For the avoidance of doubt, I have determined this appeal on its own merits.
7. In conclusion, the proposed development would have a negative effect on the character and appearance of the surrounding area. Therefore, it would not accord with Policies LP1 or ENV9 of the Luton Local Plan 2001-2011 which, amongst other things, seek development that protects and enhances the character and appearance of an area. It would also not meet with the aims of the National Planning Policy Framework which seeks good design that responds to local character and reflects local surroundings.

Conclusion

8. For the above reasons, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR

¹ APP/B0230/Z/16/3147764