The Planning Inspectorate

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: 9th February 2017

Appeal Ref: APP/B0230/W/16/3160061
48 Green Lane, Luton LU2 8AT

- 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 & Mrs Matthews against the decision of Luton Borough Council.
- The application Ref 16/00873/FUL, dated 19 May 2016, was refused by notice dated 18 July 2016.
- The development proposed is demolition of the existing single storey garage and construction of a two storey two bed dwelling with a garage, drive and new crossover to the rear. 2no. new parking spaces with new crossover to the front of 48 Green Lane.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:

   (a) the character and appearance of the surrounding area; and

   (b) the living conditions of future occupants of the dwelling with regards to the provision of internal and external space.

Reasons

Character and appearance

3. Green Lane is a residential street consisting mainly of terraced or semi-detached properties. The gaps between buildings are regular in size notwithstanding some examples of side extensions. By virtue of its corner location with Ravensthorpe, 48 Green Lane has a wider plot than most properties along this section of road, mirrored by 46 Green Lane on the opposite side of the corner. The Ravensthorpe properties to the north are set back from the road along a roughly similar building line to the flank walls of Nos 46 and 48. As a consequence, the junction between Green Lane and Ravensthorpe is wide with clear views along Ravensthorpe. While the existing garages at Nos 46 and 48 are large, they are flat roofed and do not detract from the width and openness of the view along Ravensthorpe.

4. The proposed development would have a footprint and scale similar to many of the existing properties along this section of Green Lane in their original non-extended form. Given its similar dimensions, it would not look odd as a detached property or appear overly small. However, it would be sited closer to

the flank wall of 48 Green Lane than the gap between existing buildings, and would be located close to the side boundary with Ravensthorpe. Moreover, it would erode the space around the road junction, unbalance the symmetry with No 46 and protrude significantly beyond the building line, obscuring views along Ravensthorpe. As a consequence, the development would appear cramped and detract from the existing layout and spacing of properties.

5. As requested by the appellant, I walked along the length of Stapleford Road, which consists largely of terraced properties and a few examples of infill development. I did not see any corner plot development comparable to the appeal proposal, and moreover do not have before me the full planning details of any other scheme. Thus, I have determined on this appeal on its own merits.

6. Concluding on this main issue, the proposed development would harm the character and appearance of the surrounding area. Therefore, it would not accord with Policies LP1, H2 and ENV9 of the Luton Local Plan 2001-2011 ('the Local Plan') which, amongst other things, seek development that protects and enhances the character and appearance of an area and is well sited in relation to surrounding buildings. In that regard, these policies are consistent with the National Planning Policy Framework (NPPF), which requires good design that responds to local character.

Living conditions

7. The Council and the appellant differ on the amount of internal floor space that would be provided by the proposed development, but in both cases the amount is less than the government's Nationally Described Space Standard (NDSS) for a two bedroom four person dwelling. However, the Written Ministerial Statement of 25 March 2013 makes it clear that such standards can only be applied where there is a relevant current local plan policy. I have not been presented with any such policy and consequently I cannot apply the NDSS.

8. As noted above, the proposed development would have a footprint and scale similar to many existing properties along this section of Green Lane in their original non-extended form. Furthermore, the internal room sizes do not appear unduly small for a two storey two bed dwelling and would not be cramped or substandard. Thus, the provision of internal space would be acceptable.

9. The enclosed rear garden provision is under the 90 square metres generally sought by the Council, but more than the minimum 45 square metres as set out in Appendix 2 of the Local Plan. It would be smaller than the rear gardens of some nearby dwellings, but not abnormally so. It would still provide a reasonably sized and useable space for the type of dwelling and would be properly enclosed.

10. Concluding on this main issue, the effect of the proposed development on the living conditions of future occupants would be acceptable. Therefore, it would accord with Policies LP1 and H2 of the Local Plan which, amongst other things, seek to improve the quality of life for residents and provide adequate standards of space in line with Appendix 2 of the Local Plan. The development would also meet the aims of the NPPF in terms of a good standard of amenity for future occupants of land and buildings.

Other Matters

11. I note that a draft planning obligation was originally submitted by the appellant for contributions to education and waste provision, but has since been withdrawn as such contributions are not required for this development. As a consequence, I have not taken the planning obligation into account as part of my decision.

Conclusion

12. The proposed development would have an acceptable effect on the living conditions of future occupants, but would harm the character and appearance of the surrounding area, contrary to policies in the Local Plan and the NPPF. For this reason, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR