
Appeal Decision

Site visit made on 14 February 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 20 February 2017

Appeal Ref: APP/B0230/W/16/3163054
33 Homedale Drive, Luton LU4 9TE

- 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 Sarfraz Ali against the decision of Luton Council.
 - The application Ref 16/01379/FUL, dated 28 July 2016, was refused by notice dated 3 October 2016.
 - The development proposed is erection of two bed dwelling adjacent to 33 Homedale Drive.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site visit was intended to be access required, but the appellant did not attend. However, I was able to see everything I needed to determine the appeal from public land. I therefore proceeded to undertake an unaccompanied site visit.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupants of Nos 33 & 35 Homedale Drive (Nos 33 & 35) with particular regard to light, outlook and noise and disturbance;
 - the living conditions of future occupiers of the proposed development with particular regard to light, outlook and internal space.

Reasons

Character and appearance

4. No 33 Homedale Drive is a semi-detached bungalow in a residential area characterised by similar properties with flat roof single garages in the space between each pair of dwellings. The dwellings in the area are all set a similar distance back from the road with front gardens and off street parking. This spacing and positioning provides a strong road frontage and gives the area a spacious, formal character.
 5. The proposed dwelling would be positioned between Nos 33 & 35 in place of two flat roofed single garages. Even though the proposed dwelling would be as
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wide as the existing garages, it would be taller incorporating a hipped roof and would be deeper.

6. In my view it would result in a significant increase in bulk of development between two pairs of semi-detached dwellings. Furthermore, the proposed dwelling, narrower than other dwellings nearby and squeezed into the long and narrow plot would appear noticeably cramped and at odds with the run of relatively wide semi-detached dwellings.
7. For these reasons I find the proposed development would be an incongruous feature of the street scene which would be harmful to the spacious and formal character and appearance of the area. Thus, the proposal conflicts with saved Policies LP1, ENV9 and H2 of the Luton Local Plan (2006) (LP) and the National Planning Policy Framework (the Framework) which, taken together, aim to ensure good design.

Living conditions (Nos 33 & 35)

8. Even though the proposed dwelling would project beyond the rear elevations of both neighbouring dwellings it would be stepped in from the boundaries and given it would be single storey and adjacent to the boundary treatments it would not result in any significant overshadowing or overbearing effects.
9. Furthermore, the proposed dwelling would not sit as close to Homedale Drive as the existing single storey garages, thus it would improve the amount of light entering and the outlook from the side windows of Nos 33 & 35.
10. The proposed dwelling would have two off street parking spaces. In place of the existing parking provision the relatively modest increase in vehicle movements generated by the proposed small two bed dwelling would not result in any significant noise and disturbance through vehicle movements over and above that currently experienced.
11. Thus, for these reasons, the proposal would not harm the living conditions of the occupants of Nos 33 & 35 with particular regard to noise and disturbance, outlook or light. In this regard the proposed development would therefore accord with saved Policy LP1 of the LP and the Framework which, taken together, aim to ensure new development does not harm the living conditions of nearby residents.

Living conditions (future occupiers)

12. The proposed dwelling would have two bedrooms and a combined living, kitchen and dining area. Both bedrooms would be served by a single window facing the road and the combined living area would be served by a pair of double doors and two windows which would face the proposed rear garden.
13. In my view the main habitable rooms of the proposed dwelling would be served by adequate natural light and benefit from a reasonable outlook. Furthermore, the proposal would provide reasonably sized rooms and an overall reasonable living space for a small household.
14. Thus, I find the proposed dwelling would not result in harmful living conditions for future occupiers of the proposed development with particular regard to light, outlook and internal space.

15. Therefore, in this regard the proposed development would comply with saved Policy LP1 of the LP and the Framework which, taken together, aim to ensure new development does not harm the living conditions of residents.

Other Matters

16. I have noted that the existing garages are of limited architectural merit. I also acknowledge the benefits of providing a new dwelling in a location where services and employment can be easily accessed together with the economic benefits of construction and new customers and employees for local businesses. However, these matters or any others raised do not outweigh the harm I have identified.

Conclusion

17. For the reasons set out above, even though I have found no harm to living conditions, the proposal would be harmful to the character and appearance of the area. Thus on balance and having had regard to all other matters raised, I conclude that the proposed development would not accord with the development plan and the appeal should therefore be dismissed.

L Fleming

INSPECTOR