

Appeal Decision

Site visit made on 20 March 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 2 May 2017

Appeal Ref: APP/B0230/W/16/3161561
101-103 Dallow Road, Luton LU1 1NW

- 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 Abdul Maajid against the decision of Luton Council.
 - The application Ref 16/01485/FUL, dated 5 August 2016, was refused by notice dated 11 October 2016.
 - The development proposed is the erection of a front and side canopy.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council contend that the proposal would not be a canopy, as described in the application form, as it has brick piers. Whilst the description of the development is in dispute, for the avoidance of doubt I have determined the appeal on the basis of the plans submitted.

Main Issue

3. The main issue is the effect of the proposal on character and appearance of the host property and the surrounding area.

Reasons

4. The appeal property is a two storey end terrace building located on the corner of Dallow Road and Malvern Road. The ground floor is in use a shop. A yard to the side is partially enclosed by a low brick wall and there is open storage to the front. Dallow Road is predominantly residential in character with occasional commercial units, which are generally located within corner properties.
 5. The proposed structure would wrap around the shop unit to the front and side. As it would extend well beyond the existing fascia board on either side of the front elevation, its excessive width would dominate the vertical form of No 103. In addition, the close proximity and height of the structure to the double height bay window of No 101 would undermine the prominence of this attractive feature. Consequently the proposal would be incongruous with the scale and form of the host property.
 6. The appellant has stated that the proposal would be a canopy rather than an extension to the shop. Nevertheless, it would incorporate glass sky lights within a shallow sloping roof and metal roller shutters would enclose the elevations, and thus outside opening hours the expanse of metal shutters to
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both the front and side elevations would be a stark and unattractive addition to the property. The harm to the character and appearance of the host property and surrounding area would be exacerbated by the prominent corner location of the appeal site.

7. I have had regard to the other cited examples of canopies within the surrounding area. Whilst I am not aware of the full details of each of these schemes, I saw that they are of varying design, size and scale to the proposal before me, and thus do not replicate exactly the circumstances of the appeal scheme. In the case of the allowed appeal at 84-86 Roman Road¹ the Inspector considered the canopy would be similar to an existing structure and the set back from the pavement was also a factor in support of the proposal. Neither of these apply in the current appeal. Moreover, the existence of poor quality canopies in the vicinity, including some consisting of little more than poles covered by a tarpaulin, would not justify the appeal proposal.
8. The appellant has also stated that a condition could be imposed to replace the brick piers with poles but this would be materially different to the scheme submitted and would necessitate a new application to the Council in the first instance.
9. I conclude that the proposal would harm the character and appearance of the host property and the surrounding area, and it would be contrary to policies LP1 and ENV9 of the Luton Local Plan (2006). These policies require developments, amongst other things, to optimise the physical appearance of the town and to respect the character and appearance of an area.
10. For the above reasons I conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR

¹ Ref. APP/B0230/Z/16/3147764