
Appeal Decision

Site visit made on 14 June 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 23 June 2017

Appeal Ref: APP/B0230/W/16/3164859

Land rear of 61 South Drift Way, Luton LU1 5PY

- 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 Kasser Abbas against the decision of Luton Council.
 - The application Ref 16/01300/FUL, dated 25 May 2016, was refused by notice dated 15 September 2016.
 - The development proposed is 1 No. 3 bed dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area, whether the development would provide satisfactory living conditions for its future residents with respect to their outlook, and the effect on highway safety.

Reasons

Character and appearance

3. The appeal site fronts Roebuck Close and the proposed dwelling would primarily be seen in the context of this street scene rather than that of South Drift Way. Roebuck Close accommodates a variety of dwelling types, but adjacent to the site there are a row of semi-detached properties. There is little uniformity in terms of their design, building line or roof shape, however they are of similar scale and materials and, along with the pair of houses opposite at Nos 2 and 4, result in a localised sense of consistency.
 4. The design of the proposal incorporates a blank part on its front elevation at first floor level which would correspond with the neighbouring houses. Also the general scale and roof shape would not be out of keeping with the surroundings. However, the proposal would depart from the local character in respect of its forward facing hip roof element and the flat roof aspect on its frontage at ground floor. Also, whilst there may be detached properties in the wider area, there are no other detached properties within the site's immediate context. For these reasons the house would appear incongruous in its setting.
 5. The dwelling would project significantly forward of Nos 1 to 7, to a similar extent to the houses at Nos 9 and 11. However whilst Nos 9 and 11 blend in well against the backdrop of the new houses to the west, the proposal would
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stand alone and be visually detached from the houses in South Drift Way, appearing unduly prominent in the street scene.

6. Generally in South Drift Way the rear gardens of corner houses, such as No 61, provide a degree of separation between the frontage property and the houses on the side roads. This adds a degree of spaciousness to the local character. Although the size of the resultant gardens meets the standard set out in Appendix 2 of the Luton Local Plan (LLP) the provision of a dwelling into the garden at No 61 would erode this spaciousness. In the local context, including the garden at No 63 opposite, the relatively short distance between No 61 and the proposed house would result in both properties appearing cramped.
7. In summary, the development would appear incongruous, prominent and cramped in its setting and so would harm the character and appearance of the area. Consequently it would conflict with Policy ENV9 of the LLP which requires development to enhance the character and appearance of areas, and Policy H2 of the LLP which identifies that housing development on existing residential land should not be over-intensive. By conflicting with these policies the proposal would not represent sustainable development and therefore the development would also fail to accord with Policy LP1 of the LLP and the National Planning Policy Framework (the 'Framework') which both encourage sustainable development.
8. I note the other examples referred to by the appellant which they consider are not in keeping with their surroundings. However none of the cases highlighted appear in the same context as the appeal site so do not influence its setting, notwithstanding the fact that each case must be determined on its merits.

Living conditions

9. The ground floor window and patio doors on the rear elevation would serve the living/dining room and would directly face a fence of around two metres in height running along the rear boundary. Despite the proximity of this fence, views above it are generally open and unobstructed and so the outlook from this room would be acceptable.
10. As such satisfactory living conditions would be provided for the future occupiers. Accordingly, in this respect, the proposal would accord with Policy H2 which seeks to ensure development is well sited, and Policy LP1 which aims to improve the quality of life for residents.

Highway safety

11. The dwelling at No 61 has no off street parking. Although the appeal site may in the past have provided parking for No 61, it no longer does so. As such I cannot conclude that the development would generate an increase in on street parking resulting from the occupation of No 61. Also the Council consider the provision of two parking spaces on the appeal site to be sufficient to serve the proposal, and I have no reason to disagree. Therefore the proposal would have no adverse impact on highway safety and it would accord with Policy T3 of the LLP which requires development to not exacerbate road congestion or cause safety problems for pedestrians or road users.

Planning balance and conclusion

12. I recognise the development would make a contribution to the Council's supply of housing, and I acknowledge the lack of objections from neighbouring properties. Also, as set out above, the proposal would provide satisfactory living conditions for its occupiers, and would not compromise highway safety. Nonetheless, these factors do not outweigh the harm that the development would cause to the character and appearance of the area.
13. Consequently, for the reasons given above, and taking account of all other considerations, I conclude that the appeal be dismissed.

Andrew Owen

INSPECTOR