
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/17/3169907

Land to the rear of 10-14 St Thomas' Road, Luton LU2 7UY

- 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 Dane Roberts of Thomas Road Ltd against the decision of Luton Council.
 - The application Ref 16/01931/FUL, dated 28 October 2016, was refused by notice dated 3 January 2017.
 - The development proposed is construction of new single storey, three bedroom bungalow with an integral garage and associated bin and cycle storage.
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Decision

1. The appeal is allowed and planning permission is granted for a new single storey, three bedroom bungalow with an integral garage and associated bin and cycle storage at land rear of 10-14 St Thomas' Road, Luton LU2 7UY in accordance with the terms of the application, Ref 16/01931/FUL, dated 28 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: STR/16/LP01, STR/16/LP02, STR/16/L01, STR/16/L02A, STR/16/L03A, STR/16/L04 and 22527.
 - 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The works shall be carried out in accordance with the approved sample details.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area, and whether the development would provide acceptable living conditions for its future occupiers in respect of their outlook and privacy.

Reasons

Character and appearance

3. The appeal site faces onto Lothair Road which is residential in nature and accommodates a range of housing forms including detached, semi-detached, two-storey houses, bungalows and flats. St Thomas' Road is also largely
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residential but additionally has some commercial properties, especially at the junction with Hitchin Road. Consequently, the site's context is very varied.

4. The proposal would be modest in its scale and would be comparable in terms of its height, width and form to the adjacent bungalow at 1 Lothair Road. The garage would provide additional width, but this would be set well back from the front of the site so would not significantly add visual bulk when seen in the street scene. Furthermore the bungalow would be subservient to the taller properties fronting St Thomas' Road and the flats opposite. As such, in its context, it would not appear prominently.
5. The site currently contributes a degree of openness to the street scene, particularly as the garage shown on the plans has already been removed. Although the development would reduce this, the single storey nature of the proposal, in comparison with the two-storey flats opposite and at the buildings at 10 -14 St Thomas' Road, and the retention of a sizeable gap to the rear of Nos 10 to 14, means an element of spaciousness would be retained. Furthermore the bungalow's shallow rear garden, which would meet the standard set out in Appendix 2 of the Luton Local Plan (LLP), would not be particularly apparent from public viewpoints. For these reasons, the proposal would not appear cramped in the street scene.
6. Moreover, large rear gardens are not a prevalent local characteristic, with the nearby bungalows at 3 and 5 Tancred Road and 12 Lothair Road all having rear gardens not dissimilar in size to that proposed. Accordingly, in this context, the development would not be incongruous.
7. In summary, the proposal would respect the character and appearance of the surrounding area. It would therefore accord with the aim of Policy ENV9 of the LLP for development to make a positive contribution to the environment, and Policy H2 of the LLP which requires housing development on existing residential land to not be over-intensive. It would also accord with Policy LP1 of the LLP and the National Planning Policy Framework (the 'Framework') which both support sustainable development.

Living conditions

8. The window serving bedroom three would be around three metres from the fence and wall along the north boundary of the site, which are approximately two metres in height. However the view above this would generally be open with only the hipped roof of the adjoining bungalow, which itself is set back off the boundary at this point, being conspicuous. Consequently the outlook from this window would be acceptable.
9. There are some first floor windows in the rear elevations of the properties fronting St Thomas' Road which would overlook the appeal site. However, those closest to the site, at Nos 10 and 12, would directly face the roof of the bungalow, and No 14 is a significant distance from the site. As such I consider the occupiers of the development would have acceptable privacy.
10. Accordingly, as the development would provide an acceptable outlook and privacy for its future occupiers, it would ensure satisfactory living conditions. As such the proposal would accord with Policy H2 which requires development to be well sited, and Policy LP1 which aims to improve the quality of life for residents.

Conditions

11. In accordance with the advice in the Planning Practice Guidance and the Framework, I have imposed the standard condition relating to the commencement of development and a condition specifying the relevant plans in order to provide certainty. I have also attached a condition requiring the submission of finishing materials prior to the commencement of development so that the effects of the proposal are properly managed in order to protect the character and appearance of the area.

Conclusions

12. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

Andrew Owen

INSPECTOR