
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/16/3162087
64-66 Halfway Avenue, Luton LU4 8RB

- 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 Sajaad Munir against the decision of Luton Council.
 - The application Ref 16/01284/FUL, dated 15 July 2016, was refused by notice dated 13 September 2016.
 - The development proposed is erection of two bed dwelling at rear of No 64 and 66 Halfway Avenue.
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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 and whether the development would provide satisfactory living conditions for its future residents in respect of their outlook.

Reasons

Character and appearance

3. Halfway Avenue is a long road primarily made up of semi-detached dwellings interspersed, on its west side, by a number of short side roads which creates a distinctive rhythm. The appeal site fronts Armitage Gardens, which is one of these side roads, and the dwelling would primarily be seen in the context of this small cul-de-sac rather than that of Halfway Avenue.
 4. There is a general symmetry in the layout of Armitage Gardens and this includes the long rear gardens of Nos 64 and 62 Halfway Avenue which run alongside the entrance of the cul-de-sac. Indeed generally in the wider area the rear gardens of corner houses provide a degree of separation between the frontage property and the houses on the side roads. This lends an important degree of spaciousness to the local character.
 5. The proposed dwelling would be sited in the rear garden of Nos 64 and 66. I recognise that the separation distances between the rear of Nos 64 and 66 and the flank elevation of the dwelling would meet the standard set out in Appendix 2 of the Luton Local Plan (LLP), and that the areas of amenity space provided for the proposed house and retained for Nos 64 and 66 would accord with the same guidelines. However, in the local context, particularly the garden at No 62 opposite, the comparatively short distance between No 64 and the proposed
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- house and the relatively short garden at No 64 would erode the characteristic spaciousness of the area and disrupt the symmetrical pattern of the cul-de-sac.
6. I note the dwelling would replace an existing garage, however the effect of a two-storey house on the openness of the area would be substantially greater than that which currently results from the garage.
 7. The development of underused land, which could include gardens, is supported by Policy H2 of the LLP. However notwithstanding the fact that the site appears to be in active use as a garden, Policy H2 also requires such development on residential land to not be over-intensive. I consider the intensification of development resulting from the proposal and the ensuing reduction in openness would detract from, and harm, the character and appearance of the area.
 8. Consequently the proposal would conflict with Policy H2 as set out above, and Policy ENV9 of the LLP which aims to ensure development enhances the character and appearance of areas. By conflicting with these policies the proposal would not represent sustainable development and therefore would also fail to accord with Policy LP1 of the LLP and the National Planning Policy Framework which both encourage sustainable development.
 9. I have considered the other examples referred to in the appellant's statement, including that at Arundel Road. However that case has little parallels with the case before me in terms of its layout or context. I have no plans of the schemes to which the appeal cases relate so cannot fully attest to their comparability with the proposal, notwithstanding the fact that none of these sites are close to the appeal site so have different settings, and that each case must be determined on its own merits.

Living conditions

10. A fence of around two metres in height runs along the site's rear boundary, and the kitchen window and full length living room windows on the rear elevation would directly face this fence. However above the fence the views are generally open with only some trees a few gardens away obstructing long distance views. As such I consider the outlook from these windows would be acceptable, and satisfactory living conditions for the future residents would be ensured. 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.

Planning balance and conclusion

11. I have found that the development would provide satisfactory living conditions for its residents. Also the proposal would make a small contribution to the Council's supply of housing in an accessible location, and there would be a proportionate economic and social benefit.
12. However, these benefits are limited and do not outweigh the harm the proposal would cause to the character and appearance of the area. Consequently, for the reasons given above and taking account of all other considerations, I conclude that the appeal be dismissed.

Andrew Owen

INSPECTOR