

Appeal Decision

Site visit made on 16 May 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

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

Decision date: 23 June 2017

Appeal Ref: APP/B0230/W/17/3169102

1 Stratton Gardens, Luton LU2 7DS

- 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 Tariq Butt against the decision of Luton Borough Council.
 - The application Ref 16/01239/FUL, dated 12 July 2016, was refused by notice dated 18 October 2016.
 - The development proposed is the erection of two bed detached bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note that third parties have identified discrepancies in the submitted plans. In particular, that they do not illustrate an existing ground floor rear extension at 1 Stratton Gardens and a conservatory on the rear of 3 Stratton Gardens. I have observed for myself the difference on my site visit. In my decision making on this appeal I have taken into account the actual built form of Nos 1 and 3.

Main Issues

3. The main issues are the effect of the proposal upon the character and appearance of the surrounding area; and on the living conditions of future occupiers of the proposed bungalow, with particular regard to privacy; and off-street parking provision.

Reasons

Character and appearance

4. Stratton Gardens and Westlecote Gardens form a continuous road with a mixture of detached, semi-detached and terraced properties in a pleasant established residential area. Nos 1 and 3 Stratton Gardens are a pair of semi-detached properties in substantial plots which gives a sense of spaciousness that contributes to the character of the surrounding area.
 5. The appeal site is located on a tight bend where Stratton Gardens becomes Westlecote Gardens. 9 Westlecote Gardens is a detached property sited to the east and 3 Stratton Gardens to the north-west of the appeal site.
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6. The appeal proposal would involve the subdivision of the plot of No 1, thereby removing its existing garage, some parking and approximately half of the rear garden. No 1 would retain some off-street parking provision in front of the property.
7. Due to their position on the corner Nos 1, 3 and 5 Stratton Gardens and 9 Westlecote Gardens all benefit from wide and deep rear gardens. The proposed bungalow would be set back to the rear of No 1. It would be sited adjacent to the existing established boundary to the garden of No 9 which encompasses fencing and mature vegetation.
8. The proposed bungalow would not respect the original planned corner layout of this part of Stratton Gardens and Westlecote Gardens. The proposed siting would mean it would be visible when travelling southwards down Stratton Gardens and therefore appear as a discordant element in the street scene. The adverse impact would be amplified by its set-back position and the lack of a garden frontage onto Stratton Gardens.
9. The intended siting of the new bungalow would result in a rear garden significantly shorter than the rear gardens of neighbouring properties. This would appear cramped and at odds with the spaciousness that characterises the surrounding area. I therefore conclude that the proposal would be harmful to the character and appearance of the surrounding area.
10. This would conflict with the saved Policies H2 and ENV9 of the Luton Local Plan (LLP). Taken together in the context of saved Policy LP1 of LLP these policies expect new housing to demonstrate good quality design which respects the character and appearance of the surrounding area.

Living conditions

11. The rear garden of No 1 slopes gently downwards from the existing property. Consequently the proposed bungalow would be sited slightly lower than neighbouring properties. Its position and orientation would lead to significant overlooking from all of the rear windows of No 1 and from No 1's patio area. This would result in an unacceptable level of privacy for future occupiers of the proposed bungalow. Given the interrelationship between the proposed bungalow and the rear of No 1, I do not consider that the overlooking could be adequately mitigated through the provision of boundary treatment.
12. It is noted that the proposed bungalow and garden would satisfy nationally described space standards. However, this does not outweigh the harm that I have identified.
13. I therefore conclude that the proposal would be harmful to the living conditions of future occupiers of the proposed bungalow, with particular regard to privacy. This would conflict with the saved Policy LP1 of the LLP that expects new development to take the opportunity to improve the quality of life for residents.

Off-street car parking provision

14. There are 2 off-street car parking spaces for the proposed new dwelling which would meet the indicative parking standard requirements of saved Policy T13 of the LLP.

15. The retained parking provision for No 1 is illustrated to be 2 car parking spaces. No consultation response was received from the Highway Authority. Although no precise dimensions are illustrated on the submitted plans, from my site visit observations I consider that the retained frontage width is likely to be insufficient to accommodate these spaces. The appeal site is also on a tight bend where a number of driveways converge and so any on-street parking directly outside could well be detrimental to highway and pedestrian safety.
16. However, the parking standards set a maximum figure for off-street parking provision and in a residential area some kerbside parking on the road network would be anticipated. I acknowledge that the nature of the road layout would allow the opportunity for on-street parking to be displaced elsewhere within Stratton Gardens or Westlecote Gardens. Given the wider opportunity to satisfactorily accommodate on-street parking I conclude that the proposal would not be in conflict with saved Policies T3 and T13 of the LLP.

Other matters

17. The appellant has drawn my attention to a number of other matters including the potential benefits of an additional dwelling and its location in relation to services, facilities and public transport. I have had regard to the potential benefits of the scheme identified by the appellant; however this does not outweigh the harm I have identified.

Conclusion

18. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Rachael A Bust

INSPECTOR