

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/17/3166548

Land at the rear of 17 Capron Road, Luton LU4 9BU

- 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 K Patel against the decision of Luton Council.
 - The application Ref 16/01816/FUL, dated 11 October 2016, was refused by notice dated 9 December 2016.
 - The development proposed is erection of one bedroom bungalow.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the living conditions of the occupiers of neighbouring properties in respect of noise and disturbance, and the effect on the character and appearance of the area.

Reasons

Living conditions

3. Although not explicitly shown on the plans, the vehicular access to the proposed bungalow would be between the existing building at No 17 and the neighbouring house at No 19. This access would lead to a parking and manoeuvring area in front of the bungalow which would span the width of the plot and therefore abut the rear gardens of Nos 19 and 15 and the remaining garden at No 17. I consider the noise from the manoeuvring of vehicles, shutting of doors and other noise associated with the occupation of the bungalow, in such close proximity to the private rear gardens of the neighbouring dwellings, would be disturbing to the occupiers of those properties. I could not, by planning condition, restrict parking for the bungalow to be only to the front of No 17, as this would fundamentally change the proposal and all parties would not have had the opportunity to comment on it.
 4. Frequent train services on the tracks behind the site, and vehicle movements in Leagrave station car park, already cause some noise and disturbance locally. However, the noise resulting from the proposal would be considerably closer to the neighbouring houses. Furthermore whilst vehicular accesses alongside rear gardens are not uncommon in the area, this should not justify the harmful disturbance to resident's living conditions which would result from this development.
-

5. Consequently the development would adversely affect the living conditions of the occupiers of the neighbouring properties and so would fail to accord with Policy LP1 of the Luton Local Plan (LLP) which aims to maximise the opportunity to improve the quality of life for residents. It would also conflict with the advice in the National Planning Policy Framework (the 'Framework') which, as one of its core principles, seeks to secure a high standard of amenity for all existing occupants of buildings.

Character and appearance

6. The existing building on site has been converted into two units and is set within a row of houses. Some of these nearby properties have houses in their rear gardens including at Nos 3 and 7 and, on the opposite side of Capron Road, at No 2. There is also a large building, of commercial appearance, to the rear of No 9. Although all these buildings have a limited presence in the street scene, their vehicular accesses, which run between neighbouring houses, reveal their existence. Furthermore, the buildings to the rear of Nos 3, 7 and 9 are clearly visible from the station car park and from the rear gardens of the many of the neighbouring houses. These developments may have been granted permission against a different policy background. Nonetheless, they make a significant contribution to the local character.
7. The proposed bungalow would be modest in scale and height, but would substantially fill its plot. Also the development would invariably reduce the garden area available to the existing dwellings at the site. However a significant degree of spaciousness would remain on the site and, in the context of the other examples of backland development, the proposal, including its access, would not appear incongruous or cramped.
8. Consequently the proposal would not harm the character and appearance of the area. Accordingly it would 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, in this respect, accord with Policy LP1 which aims to maximise the physical environment of the Borough, and the Framework which, as one of its core principles, seeks to ensure development takes account of the character of the area.

Planning balance and Conclusion

9. I have found that the proposal would not harm the character and appearance of the area. I also recognise that the site is well located in terms of its access to sustainable modes of transport and that the provision of an additional dwelling to contribute to the Council's supply of housing makes a more effective use of the land which is advocated in the Framework. Nonetheless, these factors do not outweigh the harm that would be caused to the living conditions of the neighbouring occupiers.
10. Therefore, for the reasons given above and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR