
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: 5 July 2017

Appeal Ref: APP/B0230/W/17/3170235
727 Dunstable Road, Luton LU4 0DU

- 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 Ms M Patel against the decision of Luton Council.
 - The application Ref 16/01201/FUL, dated 24 June 2016, was refused by notice dated 19 September 2016.
 - The development proposed is one bungalow to the rear of no. 727 Dunstable Rd.
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Decision

1. The appeal is allowed and planning permission is granted for one bungalow to the rear of 727 Dunstable Road, Luton LU4 0DN in accordance with the terms of the application, Ref 16/01201/FUL, dated 24 June 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: 01 Rev D, 02 Rev B, 03 Rev B and 04 Rev B.
 - 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.
 - 4) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing nos. 01 Rev D and 02 Rev B for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
 - 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of any existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
 - 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which
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within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Preliminary matter

2. Drawing No 07 was submitted with the appeal and concerns the land beyond the appeal site boundary. It does not relate to the proposed development and therefore I have not listed it in condition 2 above.

Main Issues

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

Reasons

Character and appearance

4. The local area is mixed in terms of its uses, with residential and commercial uses and a church being proximate to the site. Also the form of the nearby residential units is varied with bungalows, two-storey houses, detached and semi-detached dwellings all being present. Of particular note is a detached bungalow to the rear of No 723, at No 723a. Although this a rare example of backland development locally, its proximity to, and its visual prominence from, the appeal site and from a number of other neighbouring gardens means that it contributes strongly to the site's context. Though it may have been granted permission under a different planning policy framework, it nonetheless materially informs the character and appearance of the area.
5. The proposed bungalow would be considerably smaller and narrower than that at No 723a. However the wide variety of built form in the area means it would not be incongruous. For example, the frontage bungalow at No 723 is not dissimilar to the proposal in terms of its size. Also, although the development would substantially fill the width of its plot, its single storey nature, hipped roof design and the openness of the adjoining gardens means that it would not appear cramped on its plot or in its setting, particularly in the context of No 723a which is larger, taller and also fills its plot. Indeed, from public viewpoints on Dunstable Road, the limited views of the building would be comparable to those views of No 723a.
6. Accordingly the proposal would integrate with its surroundings and would not harm the character and appearance of the area. It would therefore not conflict with the aim of Policy ENV9 of the Luton Local Plan (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 not contrast with Policy LP1 of the LLP which supports the physical improvement of the town, and the National Planning Policy Framework (the 'Framework') which, as one of its core principles, seeks to ensure development takes account of the character of the area.

Living conditions

7. The vehicular access to the proposed bungalow would use the existing access between the buildings at Nos 727 and 729, which leads to an area of

hardstanding immediately behind No 727. The appellant states that this area is currently used for parking by the residents of the flats at No 727 and by the staff of the pharmacy at No 731. At the time of my site visit there were three cars parked on this hardstanding.

8. The hardstanding would be enlarged as a result of the proposal so that it extends into the part of the appeal site directly behind 1 Stanton Road. Therefore cars on this, serving the development, would be more noticeable from No 1 than at present. However the number of vehicle movements associated with the proposed bungalow, including any visitors, would be likely to be less than that which currently occurs behind No 727. So, although the vehicles would be more conspicuous, I do not consider noise created as a consequence of them would be materially greater or more disturbing to the occupiers of No 1 than at present.
9. Consequently the development, in this respect also, would not conflict with Policy LP1 which aims to improve the quality of life for residents, and Policy H2 which seeks to ensure development is well sited in relation to surrounding buildings. It would accord with the advice in the Framework which, as one of its core principles, seeks to secure a high standard of amenity for all existing occupants of buildings.

Other Matters

10. I have not been provided with any evidence of comparable sites for which this development could set an undesirable precedent. A generalised concern of this nature should not prevent the granting of planning permission, notwithstanding the fact that any other development must be considered on its own merits.
11. Due to the single storey nature of the proposal it would primarily be only the roof slope that would be visible above the boundary fences. Therefore whilst the neighbouring residents would be able to see the bungalow, I do not share their concerns that the proposal would appear overbearing, affect their privacy or would block the light they receive.
12. I acknowledge the conflict between the appellant and the neighbours regarding the position of the site's boundaries, however these are not matters for my consideration.
13. Any noise and disturbance that would be caused during the construction would be for a temporary period only and so has little bearing on my conclusions. Additionally any noise that might be caused by the neighbour's use of their own gardens would most likely be domestic in nature and as such should not significantly disturb the future occupiers of the bungalow.
14. I recognise on street parking is prohibited on Dunstable Road and restricted on the other surrounding roads. The removal of the existing parking to the rear of No 727 would displace the cars that park there. However, there are spaces on the frontages of Nos 727, 729 and 731 to serve these properties, and the Council have not raised objection to the development in this respect. As such matters of parking availability would not be materially affected by the proposal.
15. The consultation response from the Area Fire Safety Manager suggests the proposal is not unacceptable in this regard.

Conditions

16. 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 conditions requiring the submission of finishing materials and a landscaping scheme to elaborate upon that shown informally on the plans, in order to protect the character and appearance of the area. A condition securing the provision of the parking area is imposed in the interests of highway safety.
17. Some conditions require compliance prior to the commencement of development so that the effects of the proposal are properly mitigated in order to make the development acceptable.

Conclusions

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

Andrew Owen

INSPECTOR