
Appeal Decision

Site visit made on 6 November 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 1st December 2017

Appeal Ref: APP/B0230/W/17/3180723
38A Holland Road, Luton, LU3 1JJ

- 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 Mohammad Yousuf against the decision of Luton Council.
 - The application Ref 17/00628/FUL, dated 30 March 2017, was refused by notice dated 20 June 2017.
 - The development proposed is demolition of existing front wall and gate and the erection of a two storey dwelling with loft accommodation and parking to rear. Retention of existing commercial premises to rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (a) the effect of the dwelling on the character and appearance of the area; (b) whether the scheme would provide appropriate living conditions for future occupiers, with particular regard to layout and (c) the effect of the provision of the new dwelling on highway safety.

Reasons

Character and appearance

3. Holland Road is characterised by pairs and terraces of two storey dwellings characterised by bay windows and a clear rhythm in the street. The new dwelling would fill a gap between 38 and 40 Holland Road. It would be a two storey building with rooms in the roofspace. It would be wider than the majority of the existing houses in the street, filling the width of the plot. To provide the accommodation at second floor level dormer windows would be inserted to the rear. In addition a balcony would be added to the rear elevation at first floor. Furthermore the front elevation would contain long double and triple pane windows. The detail of the dwelling would be substantially at odds with the clear rhythm of the street, including the bay window feature, and would appear incongruous.
4. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area. It would be in conflict with policies LP1, ENV9 and T13 of the Luton Local Plan (LP) which amongst other things require new development to enhance the character and appearance of the area and respect the scale and proportion of existing buildings, building lines and heights within the street scene.

Living conditions for future occupiers

5. The Council's reason is concerned with the layout of the site and in particular the resultant relationship between the warehouse that would be retained and the new dwelling. The plans show the area between the two would be laid out with a lawn area for the new dwelling and two car parking spaces. The site constraints would limit the options for layout. As a result the garden area for the dwelling would be bounded by the parking and access for the warehouse unit. Even if this area was to be well laid out as a garden it would not alter the fact that it would be shallow and substantially enclosed. As such it would provide very limited outlook and outdoor space for the future occupiers of this unit.
6. I therefore conclude that the proposal would not provide appropriate living conditions for future occupiers. It would be in conflict with LP policies LP1, ENV9 and H2 which amongst other things require new development to respect and enhance other buildings and be well sited in relation to them.

Highway Safety

7. The Local Plan parking requirements for a three bed dwelling would be maxima of two spaces per dwelling. The existing furniture warehouse would be retained. It would have a policy requirement of one space per 30m² of floor area. Due to the site constraints if a dwelling was in place on the frontage only a limited amount of space would remain between the buildings. The plans show that two parking spaces would be provided in this space. However, these could only meet the parking requirements for one of the uses. As such it is likely that parking requirements for one of the uses would have to be met on street. I appreciate that there are no parking restrictions in place and that the majority of existing dwellings do not have off street parking. Nevertheless, on street parking appears to be well used along the street.
8. Therefore even if I were to accept that the appellant could accommodate some of the parking required on site the uses proposed would be very likely to result in more vehicles on site than could be accommodated. It is likely that this requirement would overspill onto the street where parking spaces are already well used. As a result this would lead to instances of indiscriminate parking by users of the site. This would harm the free flow of traffic to the detriment of other highway users.
9. I therefore conclude that the proposal would harm highway safety. It would be in conflict with LP policies T3 and T13 which amongst other things seeks to resist developments that would be likely to cause demonstrable harm to the quality of the local environment.

Conclusion

10. Therefore, for the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board

INSPECTOR