The Planning Inspectorate

Appeal Decision

Site visit made on 28 August 2019

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/B0230/W/19/3231461
Land to the rear of 121-129 Connaught Road, Luton, Bedfordshire LU4 8ES

- 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 Fergus Flynn against the decision of Luton Council.
- The application Ref 19/00186/FUL, dated 31 January 2019, was refused by notice dated 9 April 2019
- The development proposed is the erection of 4 dwellinghouses – two 2-bed and two 3-bed houses.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   (i) the effect of the development on the character and appearance of the area;

   (ii) Whether the development would provide suitable parking provision for the future occupants;

   (iii) Whether the development would provide suitable living conditions for the future occupiers of the dwellings with particular regard to internal and external living space; and

   (iv) the effect of the development on the living conditions of the occupiers of the neighbouring residential properties with particular regard to privacy and noise and disturbance.

Reasons

Character and appearance

3. The appeal site is located to the rear of 121-129 Connaught Road which are located on the south side of the road. The area is characterised by a mixture of uses, with residential uses being dominated by blocks of terraced properties which front directly onto the road network. The notable exception to this is the dwelling at 119a Connaught Road which is a modern detached property. To the south of the appeal site are industrial buildings.

4. In contrast with the prevailing development in the area, the proposed dwellings would be located behind the existing dwellings of Nos 121-129 and would be without a direct road frontage. Given the overall layout of the site, the

development would appear as a small backland style development. The position of the dwellings means that they would be tucked away behind the existing development with limited views of the buildings between the existing dwellings. Therefore, the views of the development would be of dwellings divorced from the streetscene.

5. Taking the above into account, the tandem nature of the proposal is at odds with the prevailing character of the area and would give rise to an unacceptable harm to the overall character and appearance of the area.

6. In coming to that view I acknowledge that the position of the dwellings means that they would not be prominent or readily visible from the street. However, they would be visible from a number of existing residential properties.

7. As I understand it, the appeal site was last used as a garden area for Nos 121-129. However, at my site visit I observed that the site had been fenced off from the existing properties and was overgrown. It appeared that this was likely to have been separated off some time ago.

8. Notwithstanding that, I noted that the properties on the western side of the access driveway to the site (No 131 and beyond) have much longer gardens than those of the eastern side (Nos 119a and other properties to the east). Taking this into account, I consider that the permanent loss of the garden areas from Nos 121-129 would not result in the existing properties having substantially different size of rear garden when compared to other properties in the area. In my view, the appeal development would not be out of character in this respect.

9. In addition to the above, the development on the site with new buildings would inevitably have an impact on the open nature at the rear of the existing dwellings. However, I consider that any loss of spaciousness should be seen in the context of the differing garden sizes and the backdrop of the industrial buildings to the south. With that in mind, I consider that the development would not result in an unacceptable loss of spaciousness as a result of the additional built form. However, this does not outweigh the harm I have already identified.

10. For the above reasons the development would harm the character and appearance of the area and would conflict with Policies LLP1, LLP15 and LLP25 of the Luton Local Plan 2011-2031 (2017) (LP) which amongst other matters seek to respond positively to the townscape and improves the character and quality of the area. It would also be at odds with the overarching aims of the National Planning Policy Framework (the Framework).

Parking provision

11. The appeal development provides two parking spaces for each of the new dwellings which would provide sufficient parking provision for the future occupants of the dwellings.

12. However, the access driveway to these spaces would only be around 4.25 metres in width from the submitted plans. From my site visit I saw that the boundary of the access driveway adjacent to 119a Connaught Road was formed of a concrete panel fence.

13. The Council have not provided details of what they consider to be an appropriate width of the access driveway. That said, Manual for Streets[1] indicates that the access driveway should be 6 metres in width. Whilst this width can be reduced where the parking spaces are wider, no tracking details have been provided within the application or appeal submissions to demonstrate that the spaces could be accessed easily.

14. In the absence of such evidence, I consider that the driveway would not be of a suitable width to allow for easy access to the parking spaces, which could force vehicles to park on nearby roads which the Appellant acknowledges already suffer from high demand and parking stress.

15. In addition to the above, Council officers' report also raises concern over the servicing arrangements owing to the lack of a turning head on the access driveway. Whilst this does not form part of the reason for refusal, it is clearly a material planning consideration.

16. Given the lack of turning facilities, delivery vehicles would inevitably traverse the driveway to access the appeal properties and would be forced to reverse back out onto the highway. To my mind, this only adds to the highway safety concerns of the proposal.

17. In respect of issues relating to refuse collection, it would be possible to have a refuse collection point close to the adopted highway where bins could be placed for collection without the need for refuse vehicles to travel along the driveway itself. The placing of bins on collection day would not be significantly different to what currently occurs in the streetscene. Therefore, I find that in this respect the development would be acceptable.

18. The Council have referred to Policy LLP15 of the LP in their highway reason for refusal. However, this policy is concerned with housing provision and to my mind is not particularly relevant to the issue at hand. Therefore, I have given it little weight in my consideration of this issue.

19. For the above reasons the development would not provide suitable access to the parking spaces owing to the restricted width of the access driveway nor would it provide for suitable turning facilities. The proposal would therefore be contrary to Policies LLP1, LLP25, LLP31 and LLP32 of the LP which amongst other matters seek to ensure that development reduces the safety risk to motor vehicles and non-motorised and vulnerable users of the highway, and that development is safely and easily accessed by all members of the community.

Living Conditions – future occupiers

20. The Framework, at paragraph 127, sets out that planning decisions should ensure that development provides a high standard of amenity for existing and future residents.

21. The Council have referred to the Technical Housing Standards – nationally described space standard (THS) and have used this as a guide in the assessment of the proposal. However, the Council also acknowledge that they do not have a Local Plan policy which requires compliance with the THS and therefore rely on the requirements of the LP and the Framework.

[1] Department for Transport – Manual for Streets (2007) page 111

22. That said, each of the properties would be a little less than 15% smaller than the minimum sizes advocated by the THS. Taking this into account, I am of the view that the proposed dwellings would not provide a high standard of amenity for their future occupants as a result of their restricted internal size.

23. In coming to that view I acknowledge that the properties would be larger than the existing properties at Nos 121-129. However, that does not provide a compelling reason to accept the size of the dwellings in the current scheme.

24. Turning to the provision of outdoor amenity space, the Council only has concern over one of the three bedroomed properties having 84 square metres of rear amenity space as opposed to the standard of 90 square metres as set out in Appendix 6 of the LP.

25. To my mind, a minimum size of 90 square metres of amenity space for a 3-bedroom dwelling is a generous standard. With that in mind, I consider that a dwelling of this size with 84 square metres of amenity space would provide a good standard of external space for its future occupants.

26. The Council have also referred to Policies LLP15 and LLP32 of the LP in their reason for refusal relating to this living conditions' issue. Whilst Policy LLP15 relates to housing provision, it is not especially concerned with matters relating to living conditions. In respect of Policy LLP32, this relates to parking standards. As such, I give these policies very little weight in the consideration of this issue.

27. For the above reasons the development would not provide suitable living conditions for the future occupiers of the development as a result of their restricted size contrary to Policies LLP1 and LLP25 of the LP which amongst other matters seek to promote sustainable development and to ensure that future occupiers of new residential development are provided with a high standard of amenity. It would also be at odds with the design aims of the Framework in this regard.

Living Conditions – occupiers of existing properties

28. The Councils principal concern on privacy matters relates to the relationship of the proposed dwellings to No 119a which is located on the opposite side of the access driveway.

29. From the evidence before me, the front facing windows of the two bedroomed properties would be around 10 metres away from the side boundary of No 119a. Whilst the proposal would overlook some of the rear garden to No 119a, this would be largely towards the end furthest away from the dwelling itself. Given the position of the existing dwellings either side of No 119a, there is already an element of overlooking to this area of the garden.

30. Taking these factors into account, I consider that the development would not result in a significant loss of privacy as a result of additional overlooking which would warrant the withholding of planning permission on this ground.

31. Turning to the possibility of increased noise and disturbance I saw at my site visit that the surrounding area has a mix of residential and commercial uses. To my mind, given the residential nature of the proposal it would be unlikely to have any significant impact in relation to additional noise and disturbance in the area.

32. In addition to the above, the Council has commented that the loss of the garden area to the existing properties would leave them with insufficient external amenity space as they would be below the external space standard set out in appendix 6 of the LP.

33. Whilst I am not aware of the amount of bedrooms in the existing properties, I am also conscious that the appeal site has long been separated from the gardens of these properties given the extent of vegetation growing at the site.

34. Furthermore, there would be a minimum of 80 square metres of rear amenity space for the occupants of the existing dwellings and I consider that this is more than sufficient to service the needs of the occupiers of these properties.

35. For the above reasons the development would not harm the living conditions of the occupiers of any of the neighbouring or nearby residential properties and would accord with Policies LLP1 and LLP25 of the LP which amongst other matters seek to deliver new housing which minimises additional noise or overlooking to existing properties. It would also accord with the design aims of the Framework in this respect.

Other matters

36. I have also had regard to the other issues raised in the representations received on the application and the appeal including matters relating to surface drainage water, access to the businesses that operate from the rear of the Connaught Road properties, the status of the access road after the development, the potential loss of light to nearby residential properties and matters relating to crime and anti-social behaviour. Having considered all of these issues, I find that none of the reasons outlined provide a planning reason why permission could not be granted.

Conclusion

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

Chris Forrett

INSPECTOR