



Appeal Decision

Site visit made on 13 August 2019

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2019

Appeal Ref: APP/B0230/W/19/3230186
18 Watermead Road, Luton LU3 2TD

- 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 Dwight Smiley against the decision of Luton Council.
 - The application Ref 19/00169/FUL, dated 8 February 2019, was refused by notice dated 16 April 2019.
 - The development proposed is the erection of a two-bed detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area, and (ii) the living conditions of the residents of surrounding properties, with respect to visual intrusion.

Reasons

Character of the area

3. Throughout the immediate area surrounding the appeal site, most dwellings are semi-detached, of broadly similar height, set-back from the road with parking to the front, and demonstrate a generally consistent building-line. This lends the area a cohesive character and appearance, which is maintained, despite the changes and extensions which have accrued over time. This consistency of character also extends to the groupings of different house-types.
4. This consistency of approach to the road and pavement edge is clear in views along both Watermead Road and Leathwaite Close. In particular, when looking from Watermead Road into Leathwaite Close the building-line of the houses on the outside of the bend appears deliberate and measured, stepping forwards as the road curves, maintaining a set-back from the pavement edge.
5. In contrast, the appeal proposal would be immediately adjacent to the pavement edge, with parking to the side. The front wall would be noticeably forward of that of the adjacent property and clearly different to the rest of the area. I consider therefore that the siting of the dwelling would be incongruous within the established, consistent and planned appearance of the area.

6. The location of the site and its visibility from Watermead Road would further highlight the difference in character and appearance between the appeal proposal and the surrounding area. The proposal would therefore be harmful to the established character and appearance of the area.
7. From the front of the appeal site, along Leathwaite Close, the site, and its immediate surroundings are read as the gardens of the properties fronting onto Watermead Road. This generally spacious appearance is consistent throughout the immediate area. I consider that this is the case in spite of the physical separation of the appeal site from the garden of 18 Watermead Road. As a result, I consider that a two-storey dwelling in this space would appear cramped and give the impression of a density and layout inconsistent with the surrounding area. This would harm the character and appearance of the area.
8. I do not consider that the examples of detached dwellings in the area lend support to the appeal proposal as they appear to be deliberate design choices to address a junction and as such, do not conflict with the established character and appearance of the area.
9. Whilst I note there is encouragement within the development plan for increased density, this is qualified by a need to avoid over-intensification. Similarly, I acknowledge that land is finite, that there is a policy imperative to make efficient use of it. However, neither should come about by virtue of development which would cause the harm to the character and appearance of an area which I have identified in this case.
10. I also note the suggestion of the appellant that various sections of the Framework lend support to the proposal regarding the speed of delivery, housing need and sustainability. However, I consider that the conflict with the development plan identified above and the wider aims of the Framework to ensure well designed places outweigh such support that may be found.
11. Therefore, I conclude that the proposal would be contrary to the requirements of Policies LLP1 and LLP15 of the adopted Luton Local Plan 2011-2031 and the National Planning Policy Framework (the Framework), which seek to ensure that development is of high quality and preserves or enhances the character and appearance of the area in which it takes place.

Living Conditions

12. The replacement of the existing, low-roofed, single-storey garage building with a two-storey dwelling would increase the mass and scale of the built-form on the site. The location immediately to the rear of 18 Watermead Road, means that the proposed dwelling would have a much closer relationship to the properties around it than any of the current properties.
13. The proposal would therefore have a much greater visibility and consequent visual impact than the existing situation and I consider therefore that the proposal would cause unacceptable harm to the living conditions of the residents of surrounding properties with respect to visual intrusion.
14. I acknowledge that in a developed, urban area, it is not unusual to have a degree of inter-visibility between properties. However, I do not consider that it would be appropriate to introduce such a degree of visual intrusion into an area such as this, with a well-established character and density that has so far avoided such impacts.

15. For the same reasons, I do not consider that the lack of any explicit back-to-back or back-to-side distances in policy is reason enough to allow the introduction of a form of development which would be harmful to the living conditions of the existing occupiers of neighbouring properties.
16. I consider therefore that the proposal would conflict with Policies LLP1, LLP15 and LLP25 of the adopted Luton Local Plan 2011-2031, which seek to ensure that development is of high quality, respects the surrounding environment and which does not adversely affect the living conditions of existing residents. The proposal would also conflict with the aims of the Framework to ensure a high standard of amenity for existing and future users.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

S Dean

INSPECTOR