



Appeal Decision

Site visit made on 12 November 2019

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2019

Appeal Ref: APP/B0230/W/19/3234104

122 Pomfret Avenue, Luton LU2 0JL

- 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 Kunal Mehra against the decision of Luton Council.
 - The application Ref 19/00472/FUL, dated 6 April 2019, was refused by notice dated 3 June 2019.
 - The development proposed is the erection of two bed detached dwelling adjacent to 122 Pomfret Avenue.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the locality;
 - Highway safety; and,
 - The living conditions of residents at 120 Pomfret Avenue with particular regard to external amenity space.

Reasons

Character and appearance

3. Pomfret Avenue is a residential cul-de-sac characterised by several distinct phases and types of development. Along its length, the road changes from initial consecutive two-storey terrace blocks to regular semi-detached pairs. Beyond these, where the road incline increases, lies a long terrace of three-storey units on the southern side, opposite to three individually styled detached dwellings.
4. The appeal site is formed from land currently associated with both 120 and 122 Pomfret Avenue. The land accommodates two attached flat-roofed garages and pedestrian walkways, one serving each plot. There are driveway areas in front of the garages. The roadway south of no 122 is widened to provide increased turning width within the carriageway.
5. The proposed development would require the demolition of the existing pair of garages and would be set slightly rearward of the building line along this side of the road. Whilst the existing space between the main dwellings here is slightly greater than the regular spacing formed by the side driveways and garages to the other semi-pairs on this side of the street, the proposed

development would result in an uncharacteristically narrow plot. Furthermore, the plot to no 120 would also be reduced. Together these would contrast with the general grain of development on this part of the road.

6. The proposed two-storey development would have a similar eaves height to the neighbouring dwellings but the overall roof height would be lower. Despite the change in levels between plots on this part of the road, the variation in height combined with the proposed narrow width the unit and the significantly reduced spaces either side of the building would make it conspicuous within the row of development. This would contrast with the overall character of generally well-spaced dwellings and appearance of the consistently proportioned units close by. Whilst the loss of spacing would be limited to first floor level and above, it is these visual gaps which form part of the defining characteristic of this part of the streetscape.
7. In support of the proposal, the appellant has directed me to other examples of development in the road, notably more recently built dwellings at 94 and 96 Pomfret Avenue and two detached units to the south of no 122. However, in the absence of full details of the circumstances of those developments within the evidence, I am unable to ascertain the circumstances of their delivery. I am therefore unable to conclude that they provide justification for overcoming the harm I have identified here; a proposal which I have considered on its own planning merits.
8. For the above reasons, the development would conflict with Policies LLP1 and LLP25 of the Local Luton Plan (2017) (LLP) and the National Planning Policy Framework (the Framework) as they relate to preserving or improving the character and appearance of local areas.

Highway Safety

9. The appeal site lies within an area of mixed parking provision. It was apparent that the two-storey terraces and the elevated semis on the eastern side of the road have very limited off-street parking opportunities. At the time of my site visit, which was during daytime working hours, it was notable that on-street parking was at a relatively high level and included parking close to the turning area adjacent to no 122.
10. The proposed development would facilitate two off-street spaces to serve the new accommodation and shows alternative facilities for no 122. However, due to the incline and limited remaining space within the forecourt of no 120, parking provision here would effectively be lost or require parked vehicles to overhang the pavement. In consequence, the development would result in an increased demand for on-street parking or impede pedestrian traffic.
11. In an area where parking tension appears high, this would give rise to an increased propensity for informal or inappropriate parking that, in turn, could prejudice the safe and unobstructed use of the highway. Although the road is not heavily trafficked, its limited width in combination with the extent of on-street parking leads me to conclude that, in the absence of adequate parking for all three properties, the development would prejudice the free flow of traffic and highway safety in the locality.
12. The proposed development therefore conflicts with Policies LLP31 and LLP32 of the LLP as they relate to highway safety and parking provision.

Living conditions

13. The land to the rear of nos 120 and 122 is levelled-off before dropping sharply away to the west into deciduous woodland. The existing gardens are subsequently partly supported by retaining walls, beyond which the land is overgrown and of limited usable value for residential purposes. The rear garden at no 120 is formally laid out with a paved terrace leading down to a grassed lawn area. To the rear side is a flight of steps providing access into the woodland beyond the line of the existing retaining wall.
14. The proposed development would result in the loss of about a quarter of the existing garden area. This would include the land currently accommodating the steps. The resultant area to the rear of no 120 would be somewhat short of the Council's adopted standards. However, the remaining area would continue to provide a single usable space suitable for daily living needs and at a level commensurate with both the accommodation provided and that found at other properties in the immediate vicinity.
15. For the above reasons, I conclude that the effect of the proposed development on the living conditions of the occupiers of no 120 would be acceptable and therefore consistent with the aims of Policies LLP1 and LLP25 as they relate to providing suitable standards of living conditions for residential occupiers with particular regard to external amenity space standards.

Other Matters

16. The appellant highlights that the proposed development would provide a single residential unit and contribute to local housing delivery, mix and density in a sustainable location. It is also suggested that the tilted balance of Paragraph 11d) of the Framework is engaged due to the Borough of Luton's unmet housing needs.
17. The proposed development would be consistent with the revised Framework which continues to support the Government's objective of boosting the supply of homes including the promotion of small sites. However, in the absence of detailed evidence in respect of housing land supply or delivery rates by either party, I have been unable to ascertain if the presumption in favour of sustainable development as described in paragraph 11d) of the Framework is engaged. Nevertheless, even if it were the case that paragraph 11d) applied, the small benefit to housing supply and any associated economic benefits, would not, to my mind, outweigh the harm arising from the proposed development as a consequence of the effects on the character and appearance of the locality, on the free flow of traffic and highway safety.

Conclusion

18. Whilst I have found in favour of the appellant with regard to the effect of the proposed development on the living conditions of existing nearby residents, I do not consider this outweighs the identified harm in relation to its effects on the character and appearance of the locality or to traffic flows and highway safety. I therefore conclude the appeal should be dismissed.

R Hitchcock

INSPECTOR