



Appeal Decision

Site visit made on 3 December 2019

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Appeal Ref: APP/B0230/W/19/3231060

202 Leagrave Road, Luton, Bedfordshire LU3 1JD

- 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 A Hussain against the decision of Luton Council.
 - The application Ref 19/00372/FUL, dated 20 March 2019, was refused by notice dated 4 June 2019.
 - The development proposed is to add new rear fire escape stair and door to existing first floor flat.
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Decision

1. The appeal is allowed and planning permission is granted for new rear fire escape stair and door to existing first floor flat at 202 Leagrave Road, Luton, Bedfordshire LU3 1JD in accordance with the terms of the application, Ref 19/00372/FUL, dated 20 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01/01 revision A, 01/02 revision B, 01/04 revision A and 01/06 revision A.

Procedural Matter

2. At my site visit I saw that the external rear door had already been installed and therefore the proposal before me is partially retrospective.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of the adjoining residential properties with particular regard to privacy and noise and disturbance.

Reasons

Character and appearance

4. The appeal site is located on the north-east side of Leagrave Road close to Saxon Road. The appeal property is a Victorian mid-terraced property which has been converted into two flats. The adjoining property, 204 Leagrave Road, is a commercial premises which has a single storey projection alongside the majority of the appeal site. The rear yard of the appeal site is higher than the

ground floor level of the appeal property and the adjoining property 200 Leagrave Road.

5. The installation of the door on the rear elevation has given rise to a minor change to the look of the rear of the property. However, I consider that such a change is not significant nor does it result in an unacceptable visual harm to the host building.
6. At my site visit I observed a staircase to the rear of the adjacent property 204 Leagrave Road which also allows for access to the first floor. Whilst this staircase is located to the rear of the main part of the property, as opposed to the rear of the projecting wing, it nevertheless forms part of the character of the properties in this location.
7. In that sense, the proposed external staircase would not be an alien feature in the area. In coming to that view, I accept that the appeal staircase would be located in a different position and has the potential to be more obtrusive. However, it would not be visible from any public vantage point and there would be limited views from the rear gardens of the neighbouring dwellings.
8. Taking these factors into account, I consider that the proposal would not detract from the appearance of the host dwelling and would preserve the character and appearance of the area.
9. For the above reasons the development would not harm the character and appearance of the area and would accord with Policies LLP1 and LLP25 of the Luton Local Plan 2011-2031 (2017) (LP) which amongst other matters seek to apply the presumption in favour of sustainable development and that proposals shall at least preserve the character and quality of the area. It would also accord with the design aims of the National Planning Policy Framework (the Framework).

Living conditions

10. The landing area of the external staircase would be elevated from the already higher rear area of the appeal property. As a result, there would be views possible from this landing area over the rear curtilages of 200, 206 and to a lesser extent 208 Leagrave Road.
11. However, in respect of No 200, I noted that the entire rear area was hard landscaped and was being used for vehicle parking. Furthermore, views of this rear area are visible from the rear facing windows of the first floor flat anyway. To that end, I consider that there would not be any significant loss of privacy to the occupiers of No 200 should they utilise the rear area of the property for amenity purposes.
12. Turning to Nos 206 and 208, views of the rear garden areas would be restricted by the existing single storey projection at No 204. I am also conscious that the garden areas are already overlooked to a degree from the existing windows to the rear of each of the neighbouring properties.
13. I have also considered the potential for overlooking into the windows of the nearby residential properties. However, given the position of the landing and staircase in relation to the adjoining and nearby property windows there would be very limited overlooking potential.

14. Taking all of the above into account, I consider that the proposal would not result in an unacceptable level of overlooking to the occupiers of any of the nearby residential properties.
15. The Council have also raised concern over potential for increased noise and disturbance should this become the primary access for the flat. However, given that the rear area of the property is the parking area for the flat, I consider that there would be little additional activity over and above what could be expected to be the normal comings and goings to such a residential property. This is particularly the case given the limited size of the overall flat. As such I find that the proposal would not result in an unacceptable level of noise and disturbance to the occupiers of the adjoining and nearby residential properties.
16. For the above reasons the proposal would not result in any unacceptable harm to the living conditions of the occupiers of adjoining and nearby properties and would accord with Policies LLP1 and LLP25 of the LP which amongst other matters seek to promote sustainable development which minimises additional noise or overlooking to existing properties. It would also accord with the design aims of the Framework.

Conditions

17. The Council has not provided a list of suggested conditions that it considers would be appropriate should I allow the appeal. Notwithstanding that, given that the application includes further development a standard time limited condition is necessary. It is also necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. Given the nature of the proposal, and in the absence of any suggested conditions from the Council, I consider that there are no other conditions necessary.

Conclusion

18. Taking all matters into consideration, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR