
Appeal Decision

Site visit made on 14 May 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st June 2020

Appeal Ref: APP/B0230/W/20/3245118

73 Lalleford Road, Luton LU2 9JH

- 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 Campion against the decision of Luton Council.
 - The application Ref 19/01066/FUL, dated 7 August 2019, was refused by notice dated 24 October 2019.
 - The development proposed is the erection of a new attached dwelling and alterations to existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new attached dwelling and alterations to existing dwelling at 73 Lalleford Road, Luton LU2 9JH in accordance with the terms of the application Ref 19/01066/FUL, dated 7 August 2019, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. For the most part, Lalleford Road comprises pairs of semi-detached dwellings, although there are also detached dwellings and terraces present. These are typically arranged on fairly consistent staggered building lines with areas of parking or landscaping to their frontages, and pitched roof forms and brick external finishes are characteristic. Despite some examples of extensions and alterations, these common features give the area an attractive sense of harmony. However, the scale of individual buildings, and the spacing between them is not uniform, and the differing proximity of dwellings on corners to the streets at their sides results in varying degrees of enclosure at junctions.
4. The appeal site is on a corner plot at the junction of Lalleford Road and Lyneham Road and contains an end-of terrace dwelling. The site also includes an area of soft landscaping forward of the dwelling, as well as a garden which wraps around the side and rear of the building and a detached garage and space for a vehicle to the rear which are accessed from Lyneham Road.
5. As well as the addition of a door to the front elevation of 73 Lalleford Road, the appeal proposes an attached dwelling to its side. The design of the dwelling would be similar to No 73 and others nearby, and its simple style and appearance would be sympathetic to the surrounding area.

6. I accept that the proposed dwelling would be one of the smallest in the vicinity, but there is no consistency in the scale of buildings nearby. Moreover, the dwelling would reflect the depth and height of No 73, and visually it would be of similar width. The dwelling would therefore not appear exceptional or out of keeping in comparison to the scale or proportions of other dwellings in the street scene, and it would continue the form of the terrace.
7. The main parties indicate that No 73 and the proposed dwelling would have rear gardens with an area of around 71sqm and 80sqm respectively, exceeding the 45sqm minimum sought by Appendix 6 of the Luton Local Plan 2017 (LLP). The shape and layout of the gardens would offer functional and usable areas to occupiers of the dwellings, both of which are shown to have 2 bedrooms. While LLP Appendix 6 also refers to provision of an enclosed rear garden of 90sqm for new dwellings, it acknowledges that a lesser area will be considered for units of 1-2 bedrooms. The proposed gardens would not appear markedly out of step with others in the vicinity of the appeal site which vary in size, and given the above factors I am satisfied that a flexible approach to the higher target within Appendix 6 is justified.
8. The side elevation of the proposed dwelling would be set closer to Lyneham Road than the front elevations of 2 and 4 Lyneham Road at the rear of the site, but this would also mirror the relationship of 71A Lalleford Road with neighbours on Lyneham Road, as well as other examples of dwellings on corners in the vicinity. In addition, there is less consistency in building lines along Lyneham Road with buildings stepping in front of others in a number of cases. As a consequence, I do not find that the position of the dwelling in relation to neighbours to the rear would be unduly prominent or intrusive in the street scenes of either Lyneham Road or Lalleford Road.
9. The proposal would reduce existing spacing to the side of No 73 resulting in some additional enclosure to the junction. However, separation to Lyneham Road would increase towards the rear of the site and would be sufficient to accommodate landscaping providing a setting for the building and ensuring the building would sit comfortably on its plot. Moreover, the retained spacing would not be dissimilar to other sites nearby where dwellings are set on or in close proximity to the boundaries at their sides, including at 71A Lalleford Road which is set close to Lyneham Road opposite the site, as well as the dwellings at 33 and 115A Lalleford Road and extensions to others in the street scene. Given the varied spacing between buildings and their boundaries, I find that there is no overriding sense of openness at junctions or in the street scene as a whole. In this context, the reduction in spacing would not be incongruous or harmful to the character of the area, and the development would not appear cramped or excessive on the site.
10. The Council have noted that since the approval of developments including the dwellings adjacent to 71 and 115 Lalleford Road, there has been a change in the policy context through the adoption of the LLP. Be that as it may, these developments nevertheless add variety to the established character of the area surrounding the appeal site. While I accept that the balance of spacing around junctions and buildings on Lalleford Road may have changed, the examples that I saw confirm that such development can sit comfortably within the street scene without unacceptably harming the character of the area. In my view, the proposal would similarly add visual interest whilst remaining sympathetic to

key features of the area's character, and I am satisfied that that the proposal would harmonise with the street scene.

11. For these reasons, I conclude that the proposal would respond positively to the character and appearance of the appeal site and area to contribute to the supply of housing of a mix of sizes and types and I find no conflict with Policies LLP1, LLP15 and LLP25 of the LLP. Broadly, these policies seek development that enhances the distinctiveness and character of an area and does not result in over-intensification of a site. For similar reasons, the proposal would accord with the objectives within the National Planning Policy Framework (the Framework) which seek well designed places and the efficient use of land.

Other Matters

12. The Council's report on the application refers to the Government's Technical Housing Standards - Nationally Described Space Standards (NDSS) and the floorspace of the proposed dwelling. In relation to providing a high standard of amenity for users, footnote 46 of the Framework indicates that policies may make use of the NDSS where the need for an internal space standard can be justified. However, the living conditions of future occupiers is not a reason for refusal, and I have not been directed to any adopted policy requirement to adhere to internal space standards in relation to considerations of character and appearance or otherwise. This is not therefore a matter which alters my conclusion on the main issue.

Conditions

13. The Council has not suggested conditions in the event that the appeal is allowed. However, having regard to the tests outlined at paragraph 55 of the Framework, I have imposed the standard time limit condition, along with a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. A condition to control the external materials is also necessary in the interests of the character and appearance of the area.
14. The Highway Engineering Section's response to the application refers to further details of a number of matters a part of development. given the small scale of the development proposed, a condition to require a dilapidation survey of all footpaths and road abutting the site would not be necessary to allow the development to take place in planning terms. However, I agree that provision of the proposed parking areas, visibility splays for the proposed new and extended accesses and details of drainage of the proposed driveways would be necessary in the interests of highway safety and I have imposed conditions to secure these details.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Schedule of 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: OS, OSS, 01, 02, 03, PL01B, PL02, PL03, PL04 and PL05.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The attached dwelling hereby permitted shall not be occupied until the areas shown on drawing no PL01B for the parking of vehicles have been drained and surfaced in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority, and those areas shall thereafter be kept available at all times for the parking of vehicles.
- 5) Before the new and extended vehicular accesses to the site from Lalleford Road and Lyneham Road shown on drawing no PL01B are first brought into use, triangular pedestrian visibility splays of 1.8m by 1.8m shall be provided to either side of the access. The splays shall be within the site at right angles to the highway (measured at the highway boundary/site boundary). The visibility splays so described shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway.