
Appeal Decision

Site visit made on 03 June 2020 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2020

Appeal Ref: APP/B0230/D/20/3244114

19 Wellgate Road, Luton, LU4 9TD

- 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 I Ahmed against the decision of Luton Borough Council.
 - The application Ref 19/01336/FULHH, dated 9 October 2019, was refused by notice dated 5 December 2019.
 - The development proposed is porch with canopy roof, existing brick boundary wall to be increase in height with fence panels and sliding gate, external material change to the existing main roof and permeable paving to the front garden.
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Decision

1. The appeal is dismissed insofar as it relates to existing brick boundary wall to be increase in height with fence panels and sliding gate. The appeal is allowed insofar as it relates to the porch with canopy roof, external material change to the existing main roof and permeable paving to the front garden at 19 Wellgate Road Luton LU4 9TD, in accordance with the terms of the application Ref 19/01336/FULHH, dated 9 October 2019 so far as it is relevant to that part of the development hereby permitted, subject to the following conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.

2. No development shall commence until details/samples of the materials to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.

3. The development hereby permitted shall be carried out in accordance with the location plan and following drawings:

165-19-06 Rev C Existing Plans and Elevations (in so far as they relate to the development hereby permitted)
165-19-08 Rev A OS Map and block plan

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The decision notice makes reference to plan numbers 165-19-06, 165-19-07C, 165-19-08A in reason for refusal number 1 and plan numbers A101, A102, A201, A203 and A501 in reason for refusal number 2. The Council has confirmed that the drawings referred to in the second reason for refusal were incorrect. The plan submitted with the appeal showed the proposals on a drawing numbered 165-19-06 Rev C and entitled 'Existing Plans and Elevations'. Whilst I note that this drawing should be referenced 165-19-07 Rev C and entitled Proposed Plans and Elevations it is not and I have based my assessment of the proposal on the basis of this drawing, along with 165-19-06 and 165-19-08A.

Main Issues

4. The Council has indicated that they do not have any concerns relating to the front porch and paved permeable parking area, and from what I have seen and read these parts of the scheme would be acceptable. Therefore, the main issues are: 1) the effect of an increase in the height of the boundary walls with fence panels and sliding gate, and the replacement of brown/red roof tiles with grey tiles on the existing main roof, upon the character and appearance of the host building and street scene, and 2) the effect of an increase in the height of the boundary walls on the living conditions of the occupiers of neighbouring properties, having regard to outlook.

Reasons for the Recommendation

Character and appearance

5. The appeal property is a detached two storey dwelling located within a suburban residential area. The area is characterised by a mix of individually designed detached houses and bungalows. The properties are set back a modest distance from the highway with landscaped front gardens, the majority of which are enclosed by low walls, fences or hedges.
6. The part of Wellgate Road in which the appeal property sits contains properties constructed with roof tiles of different sizes, profile and colour, including grey slate tiles as proposed. The roofs have weathered over time resulting in subtle changes in their colour and appearance. Although the proposal would introduce a new roofing material and colour to the host property it would retain its own individuality. Harm to the host dwelling would not occur as a result.
7. Moreover, the proposal would be viewed in the context of nearby development which has a varied roofscape, comprising a rich variety of colours and textures. It would not appear incongruous or unduly prominent in the street scene or look out of place with its immediate neighbours.
8. The proposal would introduce a wall/fence that is considerably higher than other properties in the part of Wellgate Road in which the appeal property is located. It would appear incongruous and prominent in the street scene and would look out of place with its immediate neighbours. It is acknowledged that there are properties with similar boundary treatments to those proposed in

close proximity to the appeal property, however their scale and location make them less prominent within the street. Consequently, they do not have the same impact on the character and appearance of the area as the appeal proposal.

9. In light of the above I conclude that the proposal to reroof the main roof of the property would complement the host building and the character and appearance of the street scene, in accordance with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2011-2031 (LP) which requires, amongst other things, that development should preserve or improve the character of the surrounding area. These objectives are consistent with the National Planning Policy Framework.
10. With regards to the proposal to increase in the height of the existing brick boundary wall with the introduction of fence panels and a sliding gate I conclude that the proposal would not complement the host building or the character and appearance of the street scene. It would be contrary to Policies LLP1, LLP19 and LLP25 of the LP which requires, amongst other things, that development should preserve or improve the character of the surrounding area with regard to scale, layout, design, and external materials. These objectives are consistent with the National Planning Policy Framework.

Living Conditions

11. The new wall/fence would measure approximately 1.7 m in height and part of it would be located on the party boundary with No 17. The wall/fence would be of solid construction where it sits close to the gable wall of the host property. It would be clearly visible from the closest window of No 17 and would intrude on the open outlook that the occupiers currently enjoy. It would make their rooms less pleasant to occupy.
12. The use of railings between the piers, around the front garden of the host property, would provide a more open appearance to the proposal, and as a consequence this element of the proposal would have a less intrusive impact on the outlook from No 17.
13. No 21 has two windows fronting Wellgate Road, and a paved front garden. Given the location of the wall/fence, its open design, and the distance involved, the proposal would not intrude on the outlook of the occupiers of No 21.
14. In the light of the above I conclude that the proposal to increase in the height of the existing brick boundary wall with the introduction of fence panels and a sliding gate would be harmful to the living conditions of the occupiers of No 17. It is therefore contrary to Policy LLP19 of the LP which requires, amongst other things, that development should not have a significant adverse effect on the amenity of nearby residents.

Conditions

15. The Council has suggested several conditions it would wish to see imposed in the event that the appeal was allowed. I have considered these against the guidance set out in the Framework and the Planning Practice Guidance.
16. To ensure that the development is undertaken as approved a condition referring to the approved plans is necessary. The plans and application form are not specific as to the materials that are being proposed therefore a condition requiring submission of details/samples is necessary to protect the character and appearance of the area.
17. The Council has suggested a condition requiring the provision of triangular pedestrian safety visibility splays each side of the access points to the site. Such splays would be maintained free of any obstruction to visibility exceeding a height of 600 mm above the existing ground level. Whilst a condition of this nature would be necessary if the increase in the height of the existing brick boundary wall with the introduction of fence panels and a sliding gate was to be allowed, it is not necessary in this case because this element of the development is being dismissed.

Conclusion and Recommendation

18. For the above reasons, and having regard to all other matters raised, I recommend a split decision dismissing the increase in the height of the existing brick boundary wall with the introduction of fence panels and a sliding gate, and allowing a porch with canopy roof, external material change to the existing main roof and permeable paving to the front garden, subject to the conditions set out above.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed in so far as it relates to the increase in the height of the existing brick boundary wall with the introduction of fence panels and a sliding gate, and allowed in so far as it relates to a porch with canopy roof, external material change to the existing main roof and permeable paving to the front garden, subject to the recommended planning conditions.

RC Kirby

INSPECTOR