
Appeal Decision

Site visit made on 7 July 2020

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2020

Appeal Ref: APP/B0230/D/20/3249725

6 Capron Road, Luton LU4 9BU

- 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 & Mrs D Khawaja against the decision of Luton Council.
 - The application Ref 19/01568/FULHH, dated 21 November 2019, was refused by notice dated 11 February 2020.
 - The development is new wall to front of house.
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Decision

1. The appeal is allowed and planning permission is granted for a new wall to front of house at 6 Capron Road, Luton LU4 9BU in accordance with the terms of the application, Ref 19/01568/FULHH, dated 21 November 2019, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the approved plans: DC01 (Location Plan), MP.2674 and MMA. 477.

Procedural Matter

2. The Council's decision letter describes the development as retrospective. It is clear from the evidence provided and my site visit that the new front wall had been constructed. I shall determine the appeal on this basis accordingly.

Main Issues

3. The main issues are the effect of the development on (i) the character and appearance of the area and (ii) highway safety.

Reasons

4. The appeal property is a two storey semi-detached dwelling that is located in a mature well-established residential area, typically characterised by two storey properties set back from the road behind a front garden/driveway. A brick wall with pillars measuring about 1.8m in height is erected along the front of the site. A number of the dwellings in the immediate vicinity of the site have front boundary walls of varying styles and designs that provides a varied streetscene and character to the area.
5. Given the site's location, the front wall is only visible over short distances when passing the site. It is seen in the context of the varied front boundary walls and treatment of the adjacent properties, including the high front brick wall with pillars at Nos. 1 and 3 Capron Road on the opposite side of the road.

6. Against this backdrop, the siting, design and overall height of the front boundary wall, does not appear significantly out of place or excessive in relation to the built form of the front boundary treatment within the immediate locality and limits any significant adverse impacts on the street scene.
7. I have considered the Council's argument that the granting of planning permission would set a precedent for other similar developments. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission on these grounds in this case.
8. Consequently, I conclude that the development does not adversely harm the character and appearance of the area. It is consistent with the overall aims of Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2017 (LP) which, amongst other things, require development proposals to be of a high quality design that improve or enhance the distinctiveness and character of the area. In addition, the development accords with the National Planning Policy Framework (the Framework) that developments should seek to secure a high quality of design (paragraph 124) that are sympathetic to the local character (paragraph 127).

Highway safety

9. The new front boundary wall includes the retention of the existing vehicular access from the car hardstanding at the front of the site onto the adjacent highway where a 20mph speed limit applies. The road in the vicinity of the access has a straight and wide alignment and footpath provision.
10. For this class of road and speed limit, the Local Highway Authority recommends a minimum pedestrian visibility splay of 1.8m x 1.8m should be provided on either side of the accessway. The Local Highway Authority have objected as the proposal does not meet these requirements. Paragraph 108 of the Framework states that decisions should take into account whether safe and suitable access to the site can be achieved for all users. Paragraph 109 of the Framework goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
11. From the evidence provided and from my observations on site, I consider that this section of Capron Road is sufficiently safe and suitable to cater for the limited traffic movements from the host property. Due to the current configuration of the site and the access arrangements, vehicles moving into and out of the site would be travelling and manoeuvring at low speeds. The current road conditions on the straight section of this residential road allow sufficient visibility for vehicles to enter and leave the site safely and minimise any conflicts between traffic and cyclists or pedestrians.
12. Consequently, I conclude that the development does not have an adverse effect on highway safety. The proposal would be consistent with LP Policies LLP1 and LLP25 of the LP which, amongst other things, require buildings to be safe and easily accessed by all members of the community. It would also accord with the Framework that seeks to ensure developments achieve safe and suitable access to the site for all users (paragraph 108), highway safety (paragraph 109) and create places which minimise the scope for conflicts between pedestrians, cyclists and vehicles (paragraph 110).

Conditions

13. Having regard to the Framework, and in particular paragraph 55, I have specified the approved plans as a planning condition as this is necessary to provide certainty.

Conclusion

14. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR