
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: 17 July 2020

Appeal Ref: APP/B0230/D/20/3248035

456 Old Bedford Road, Luton LU2 7BN

- 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 Azad Hussain against the decision of Luton Council.
 - The application Ref 19/01311/FULHH, dated 15 July 2019, was refused by notice dated 30 January 2020.
 - The development proposed is erection of front boundary wall and gates.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

Character and appearance

3. The appeal property is a two storey detached dwelling with an existing low dwarf wall along the front of the site. The property is located in a mature well-established residential area, typically characterised by detached two storey properties set back from the road behind a front garden/driveway. Where boundary walls exist in front of the adjacent properties, these are low, clearly subsidiary, and have little impact upon the sense of openness.
4. The proposal would entail the replacement of the existing low dwarf wall along the front of the site with a brick wall and pillars with metal railings on top measuring about 1.5m in height. Wrought iron metal gates are also proposed for the vehicular and pedestrian accesses at the front of the site.
5. The proposed development, by virtue of its height, siting and design, would compromise the sense of space and openness created by the modest boundary treatment and the open plan frontage in this location. These shortcomings are exacerbated by the proposal's position, where it would be visible from a number of public vantage points along Old Bedford Road. As such, I consider the proposed development would result in an incongruous and out-of-keeping addition that would adversely harm the character and appearance of the area.

6. Consequently, I conclude that the proposal would result in harm to the character and appearance of the area. It would be contrary to 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 proposal would not accord 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

7. The proposal would involve the construction of a new front boundary wall and sliding metal gate across the existing vehicular access from 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.
8. 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 would 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.
9. From the evidence provided and from my observations on site, I consider that this section of Old Bedford 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 proposed 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 would allow sufficient visibility for vehicles to enter and leave the site safely and minimise any conflicts between traffic and cyclists or pedestrians.
10. Consequently, I conclude that the proposal would 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).

Conclusion

11. Notwithstanding my findings on the lack of harm to highway safety this does not outweigh the harm found to the character and appearance of the area. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR