

Appeal Decision

Site visit made on 15 September 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: 14 October 2020

Appeal Ref: APP/B0230/W/20/3252252

16 Heron Drive, Luton LU2 7LZ

- 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 Connor Sweeney against the decision of Luton Borough Council.
 - The application Ref 19/01514/FUL, dated 18 November 2019, was refused by notice dated 04 May 2020.
 - The development proposed is two storey extension to side of existing dwelling house to form new one bedroom dwelling house with alterations to front garden to create one parking space.
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Decision

1. The appeal is dismissed.

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.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the host property and the surrounding area;
 - whether the proposed development would provide an appropriate type of dwelling for which there is a need in the town;
 - whether the proposal would provide acceptable living conditions for the intended future occupiers, with particular regard to the size of the internal accommodation and car parking provision.

Reasons for the Recommendation

Character and appearance

4. The appeal property is an end of terrace house located within a suburban residential area characterised by a mix of detached, semi-detached houses and short terraces, with a limited range of house designs and materials. The

properties are set back a short distance from the highway with landscaped front gardens. Off street parking is typically provided in the form of bays and courts, although a limited number of properties do have garages.

5. The proposal would result in a narrow fronted dwelling, on a small plot of land, close to the boundary with Hancock Drive. Its prominent front elevation would be dominated by large areas of brickwork and its proportions and design would be out of keeping with other nearby dwellings, which typically have wider front elevations providing space for a number of significant design elements including windows and doors.
6. Furthermore, the creation of an independent dwelling would result in the subdivision of an existing garden space resulting in amenity areas, for the proposed dwelling and the host property, that would be smaller than those found in this part of Heron Drive. It would result in an uncharacteristic form of development, which would appear cramped and out of keeping with its immediate surroundings. Moreover, the proposal would be likely to result in the introduction of additional boundary fences, and other domestic paraphernalia associated with individual dwellings which would draw attention to this incongruous form of development. The introduction of a parking space to the front of the new dwelling would erode the landscaped area that currently exists between Heron Drive and Hancock Drive.
7. I note that planning permission has been granted, on appeal¹, for an extension to the host property, of a similar design to the appeal proposal. However, it is likely that this development would not result in the subdivision of the garden to the host property and that it would not be occupied independently of the main dwelling with the associated paraphernalia that goes with it. Moreover, whilst extensions are expected to be subordinate to the host property, in accordance with Policy LLP19 of the Luton Local Plan 2011-2031 (LP), this requirement does not extend to new dwellings. The existence of this planning permission does not provide justification for the appeal proposal.
8. I am aware that the National Planning Policy Framework (the Framework) states that planning decisions should promote an effective use of land in meeting the need for homes. It is however also apparent that Policy LLP25 of the LP requires development to enhance distinctiveness and character and that the Framework also requires development to be sympathetic to local character. I have found that the proposal would provide a cramped and incongruent form of development, which cannot be justified on the basis of its efficient use of land.
9. For the above reasons I conclude that the proposal would cause significant harm to the established character and appearance of the area, in conflict with Policies LLP1, LLP15 and LLP25 of the LP which require new development to be sustainable, of a high quality design which enhances the distinctiveness and character of the area and to not result in over intensification of the site.

¹ APP/B0230/D/19/3231694

Type of accommodation

10. Policy LLP15 of the LP requires, amongst other things, that the mix and type of housing proposed reflects the identified housing need requirements of the area in the Strategic Housing Market Assessment (SHMA). The LP was adopted in November 2017 and is considered to be up to date. As such, in considering the type of housing proposed, I attach significant weight to this policy.
11. The delegated officers report confirms that there has been a significant over delivery of 1-bed units in the town during the period between 2011/12 and 2018/19. The Council's preference would be for the creation of a 4 bed dwelling for which there is an identified need. Whilst acknowledging that the proposed scheme would not deliver the identified housing needs for the area, or the Council's preferred outcome, it is recognised that in this instance only 1 one bed dwelling is proposed. I do not consider that the proposal, in itself, holds the potential to undermine the plan's overall strategic objectives. The suitability of the proposal should also be considered in the context of the Framework which underlines the Government's objective of significantly boosting the supply of new homes.
12. For the above reasons, the proposal would not have a significant adverse effect upon the local housing stock, with particular regard to the mix of housing types, and would not therefore cause harm in this context. The proposal therefore accords with Policies LLP1 and LLP15 of the LP insofar as these policies seek to encourage growth in the supply of new housing in the area.

Living conditions

13. Whilst the Nationally Described Space Standard (NDSS) has been referred to in evidence, the LP does not contain a policy specifically requiring such a standard to be imposed when development proposals are considered. I therefore attach limited weight to the NDSS here but note its relevance as a useful guide in such matters. Based on the internal floor area figures provided by the Council and the appellant, of 48 sq.m. and 51 sq.m. respectively, I note there would be a shortfall against the standard for a two storey, 1-bed property which requires the provision of 58 sq.m.
14. Although the living room/diner and kitchen would be long and narrow it does appear generously sized, with adequate levels of light and outlook. Moreover, the Council, in the officer's report, accepts that the bedroom and the bathroom are large. In the light of the above I find that there would be adequate space to put items of furniture associated with an independent dwelling with manoeuvring space within the property. I conclude therefore that the new dwelling would be of size which would provide suitable internal living conditions for its intended future occupiers.
15. During my daytime site visit I was able to observe that whilst off street parking was available within the cul-de-sac there was a limited amount of on street parking. It is likely that parking demands would increase in the evening and at weekends when people return to their homes. I acknowledge that these observations can only provide a snapshot of traffic conditions at a particular

time of day, however, I have no evidence to suggest that they are not representative of typical traffic conditions.

16. The submitted drawings show a parking space to the front of the new dwelling and one space around the corner in Heron Drive. The appellant has indicated that the host property would use the space to the front of the new dwelling and that the new dwelling would use the space around the corner.
17. The Highway Authority indicate that the space to the front of the new dwelling would be accessed through a visitor parking bay which forms part of the highway. The appellant indicates that this space is his allocated parking and assuming this is the case, it is reasonable to assume that if both the new and existing space were occupied by the same household, there would be no issues with a vehicle being moved to allow access or exit from the new space.
18. Although the new car parking space would be in close proximity to the front door and garden of the new dwelling, this relationship would be similar to parking spaces found elsewhere in the locality. In the absence of substantive evidence to indicate that such an arrangement has resulted in harm to the living conditions of nearby occupiers and given the likely low number of vehicle movements on a daily basis, I conclude that this relationship would be acceptable. It would be unlikely to result in noise and disturbance to the degree that would be harmful to the intended future occupiers of the new dwelling.
19. Moreover, the parking space proposed for the new dwelling would be reasonably close to it. It would be unlikely to cause inconvenience to the intended future occupiers to the degree that would be harmful to their living conditions.
20. In light of the above I conclude that the proposal would provide acceptable living conditions for the intended future occupiers of the new dwelling in accordance with Policies LLP1, LLP25 and LLP31 of the Local Plan and the Framework insofar as they relate to healthy places and residential amenity, reducing the reliance on the private motor car.

Conclusion and Recommendation

21. I am required to determine this proposal in accordance with the development plan, unless material considerations indicate otherwise. The starting point is therefore the development plan. There would be conflict with Local Plan Policies LLP1, LLP15 and LLP25 for the reasons set out above under the first main issue.
22. In terms of material considerations the proposal would result in a new dwelling on a windfall site, in an accessible location which would make a contribution to the supply of housing in the area and support the Government's aim to significantly boost the supply of homes. There would be economic and social benefits associated with the construction of the new dwelling, the likely expenditure that would occur once occupied and the likely support the intended future occupiers would give to supporting shops and services. These matters weigh in favour of the proposal, but attract limited weight, given the quantum of development proposed in this case.

22. I have found that acceptable living conditions would be provided to the intended future occupiers, however this is a neutral factor as this would be expected in any well-designed development.
23. Given the above, and the significant harm that would result to the character and appearance of the area, I conclude that there are no material considerations in this case which indicate that the proposal should be determined other than in accordance with the development plan.
24. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR