



Appeal Decision

Site visit made on 15 September 2020 by G Sibley MPLAN MRTPI

Decision by Kenneth Stone BSC (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/B0230/W/20/3250937

70 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 J Harris against the decision of Luton Borough Council.
 - The application Ref: 19/01553/FUL, dated 27 November 2019, was refused by notice dated 10 March 2020.
 - The development proposed is demolition of existing rear extension, detached garage, greenhouse, garden shed and attached porch. Erection of part single, part two-storey rear extension and ground floor front extension. Erection of attached, part single part two-storey, two-bedroom dwelling. 2x new vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing rear extension, detached garage, greenhouse, garden shed and attached porch. Erection of part single, part two-storey rear extension and ground floor front extension. Erection of attached, part single part two-storey, two-bedroom dwelling. New vehicular access at 70 Lalleford Road, Luton LU2 9JH in accordance with the application Ref: 19/01553/FUL, dated 27 November 2019 subject to the conditions contained in Schedule 1 of this decision.

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.

Procedural Matter

3. I have used the description of development taken from the Appeal Form in the formal decision and which differs from that in the banner heading because it more accurately reflects the development proposed given the change in parking arrangements made during the determination of the application and as considered by the Local Planning Authority.

Main Issues

4. The main issues are:
 - i. The effect of the proposed development upon the character and appearance of the street scene; and

- ii. The impact of the proposed development upon highway safety.

Reasons for the Recommendation

Character and appearance

5. The appeal relates to No.70 Lalleford Road (No.70) a semi-detached dwelling located on the junction between Lalleford Road and Holtsmere Close. The dwellings within the street scene are generally two storeys tall and are a mix of detached, semi-detached and terrace dwelling. The garden for No.70 wraps around the house and there are a number of outbuildings located in the garden, which is bound by close boarded fencing. The parking space for No.70 is located to the rear of the dwelling and accessed via Holtsmere Close.
6. The areas of land located at the junctions of roads within the wider estate are side gardens of existing properties that vary in appearance and size throughout. There are a number of examples where dwellings or extensions have been built on these areas at the junctions. As such, development of these corner plots is not out of character within the existing wider estate.
7. The proposed dwelling would be built in line with the two semi-detached dwellings and would create a run of three terrace dwellings. Whilst the majority of dwellings within the street scene are semi-detached there are a number of terrace dwellings, noticeably a run of terrace development on the opposite side of Lalleford Road from the site. Accordingly, the run of terrace development that would be created by this proposal would not be inappropriate within the street scene.
8. The proposed two storey dwelling would be constructed from the same materials as No.70 which would match the common materials used within the wider street scene and because of this, the materials would be appropriate. The ground floor of the front elevation of the dwelling would be approximately the same width of No.70 as well as the other dwellings within the street scene. The flank wall of the dwelling would be set in from the ground floor, despite this, the dwelling would not appear noticeably narrow compared to the other dwellings within the street scene. The side elevation of the proposed dwelling would be set closer to the road than the existing dwelling but would be a similar distance from the garage on the dwelling on the opposite side of Holtsmere Close as well as the other examples of dwellings on corners within the wider estate. As such, the appearance of the dwelling would be appropriate within the street scene from Lalleford Road.
9. When viewed from Holtsmere Close the dwelling would appear forward of the building line along that road. Nevertheless, given the tapering of the building along Holtsmere Close, the dwelling would not appear particularly overbearing or intrusive in the street scene for Holtsmere Close.
10. The proposed front porch to No.70 would match the porch on the front elevation of the proposed dwelling. Within the wider street scene there are a number of differently designed porches and the proposed porches would be appropriate within the street scene. Given the size of the porches they would appear subordinate to the host dwellings. The proposed rear extension to No.70 would match the rear elevation of the proposed dwelling. Given the size of the two-storey rear extension it would be subordinate to the host dwelling and would not cause harm to the appearance of the street scene.

11. Reference has been made to other dwellings that have been approved on corner locations within the immediate area. Since those applications and appeals were decided the Luton Local Plan 2011 – 2031 (LLP) (adopted 2017) has been adopted. Whilst the development plan has been replaced the character of the immediate area would not have changed demonstrably since those decisions were made. The general thrust of policy LLP25 is to ensure development enhances the distinctiveness and character of the area and to optimise higher densities so long as they do not give rise to adverse amenity. The conclusions of those earlier decisions found that the development of those specific corner locations was acceptable in terms of their effect upon the character and appearance of the area and in this instance the proposal before me would also be acceptable.
12. For the reasons given above I conclude that the proposed dwelling would not cause harm to the character and appearance of the street scene and the proposed extensions to No.70 would be subordinate to the host dwelling and would not cause harm to the character and appearance of the dwelling. Consequently, the proposal would be consistent with Policy LLP1 of the LLP which states that the Council will require all new development in the borough to contribute to enhancing a sense of place preserve or improve the character of the area. The proposal would also comply with the specific design aspects of Policy LLP19 which identifies a number of development requirements for extensions to dwellings. The proposal would also be in accordance with the design aspects of Policy LLP25 which looks to ensure that development enhances the distinctiveness and character of the area.

Highway Safety

13. No.70 has a single off-street parking space, and this would be relocated and allocated to the proposed dwelling whilst No.70 would not have a parking space. Appendix 2 of the LLP provides the maximum parking standards that are required and in this instance each dwelling should have a maximum of 2 parking spaces. Policy LLP32 of the LLP notes that the parking standards shown in Appendix 2 are minimised in identified areas demonstrated to be of high accessibility.
14. The site is situated within the urban area of Luton and as identified in the Transport Statement there are services and facilities within walking and cycling distance from the site and there are also public transport options available nearby. The Transport Statement also notes that most households within the local area only had a single car which provides an indication that local residents are not as reliant on private car use. Furthermore, the parking survey shows that there are a large number of on-street parking spaces available within a short distance of the site and that a large proportion of these were typically available. The majority of the houses within the immediate area have off street parking spaces and because of this, the demand for on-street parking is shown to be less than the available spaces in the survey. The data from Crash Maps also identified that there were no recorded personal injury accidents within the past 60 months which further emphasises that the existing levels of on-street parking, as well as the road layout, does not have an unacceptable impact upon highway safety. The additional cars parked on the roadside from the occupiers of the proposed development would not exacerbate the parking situation to a point where it would have an unacceptable impact upon highway safety.

15. The future occupiers of the proposed dwelling and No.70 would be able to park safely via on-street parking spaces within a short distance of the site and because there are a large number of on-street parking spaces available around the site, the modest increase in on-street parking created by the proposal would not have an unacceptable impact upon highway safety. Therefore, the proposed development would be in accordance with Policy LLP32 of the LLP insofar as it looks to ensure sufficient parking is provided to help ensure that adverse effects on highways safety and the convenience of nearby residents and users are avoided. The proposal would also comply with Policy LLP31 which states that planning permission will be granted where they meet a number of transport specific criteria including ensuring the quality of the local environment is not compromised.

Other Matters

16. Given the distance between the two-storey rear extension and the adjoining property (No.72) and the depth of the proposed extension, the proposal would not result in a loss of sunlight or appear overbearing to the occupiers of that dwelling. Therefore, the proposal would not result in harm to the living conditions of the occupiers of that dwelling.

Conditions

17. In addition to the statutory time limit condition, a condition is necessary to ensure that the development complies with the approved plans, for the avoidance of doubt.
18. In the interests of the character and appearance of the area a condition is also necessary to ensure that samples of the external facing materials are submitted to and approved by the local planning authority.
19. A condition is necessary to ensure that the area allocated for off street parking is firstly drained and surfaced and then retained thereafter for the parking of vehicles in the interest of highway safety.
20. A condition has been suggested which would require the boundary treatment to be submitted to and approved by the Council prior to occupation. In the interest of reducing the number of conditions, I have removed this condition because the boundary treatment would be considered and approved as part of the soft and hard landscaping scheme which has been included in condition 6. A condition requiring the submission and approval of said hard and soft landscaping and for the landscaping scheme to be completed prior to the occupation of the approved dwelling is necessary in the interests of the character and appearance of the area.
21. A condition removing the dwellings permitted development rights insofar as they relate to the insertion of windows in the northern flank elevation is necessary in the interest of protecting neighbouring occupiers living conditions. A further condition requiring the approved window on the north flank elevation is obscure glazed is also necessary in the interests of the neighbouring occupiers living conditions.
22. Given the size of the site and the close relationship the proposed dwelling would have with the surrounding dwellings, a condition removing the dwellings permitted development rights, insofar as they relate to extending the dwelling or construction buildings within the curtilage of the dwelling, is necessary in the

interests of protecting the living conditions of the surrounding occupiers, notwithstanding the general advice regarding such conditions.

Conclusion and Recommendation

23. The proposed dwelling and extension would not harm the character and appearance of the street scene and the proposed parking arrangement would not have an unacceptable impact upon highway safety. The development would deliver an additional dwelling in a sustainable location which would help the Council to maintain a 5-year housing land supply and would comply with the relevant policies contained within the LLP.
24. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

G Sibley

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, I agree that the appeal should be allowed.

Kenneth Stone

INSPECTOR

Schedule 1

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following plans: Site location Plan, 010.00 REV A Proposed Ground & First Floor Plans, 030.00 REV B Proposed Elevations, 050.01 – REV A Proposed Perspective View #01, 051.01 REV A Proposed Perspective View #02, 005.01 REV E Proposed Site Plan and the Waste Management Plan.
- 3) No development shall commence above ground until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) The building shall not be occupied until the area titled parking space shown on drawing No. 005 – Revision E – Proposed Site Plan has been drained, surfaced and laid out for one car to be parked in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and that area shall thereafter be kept available at all times for the parking of vehicles.
- 5) No development shall commence until details of both hard and soft landscape works (to include details of boundary fencing) have been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in accordance with the approved details before the dwelling hereby approved is occupied in accordance with an agreed implementation programme to be agreed as part of the works.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows [other than those expressly authorised by this permission] shall be constructed on the northern flank elevation of the approved dwelling.
- 7) The extension hereby permitted shall not be occupied until the window proposed on the northern flank elevation as shown on drawing no. 030.00 – Revision B – Proposed Elevations has been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent re-enactment with or without modification) the dwelling hereby permitted shall not be extended nor buildings positioned within the curtilage of the dwelling without the prior permission of the Local Planning Authority granted on applications submitted in those regards.