



Appeal Decision

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

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2020

Appeal Ref: APP/B0230/W/20/3251386

Former Telephone Exchange, Land Adjacent to 188 Barton Road, Luton LU3 2BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Mohammed Ahmin against the decision of Luton Borough Council.
 - The application Ref: 19/01415/OUT, dated 24 October 2019, was refused by notice dated 31 March 2020.
 - The development proposed is outline planning permission for 1no. single storey dwelling (with all matters reserved except access).
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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.

Procedural Matters

3. The appeal scheme relates to an outline proposal, with access to be considered at this stage, and with all other matters reserved for future consideration.
4. An indicative block plan was submitted which, as well as identifying the point of access, illustrates a possible position of the dwelling on the site. However, layout is a reserved matter and hence, in this respect, I give little weight to this plan in my considerations of the proposal.

Main Issues

5. The main issues are:
 - i. Whether the proposed development would provide satisfactory living conditions for its future occupiers with regard to privacy, outlook and amenity space and consequently, whether the site is suitable for residential development; and
 - ii. Whether the proposal would provide a suitable housing mix.

Reasons for the Recommendation

Living conditions

6. The site is located off Barton Road along a narrow-gated track that passes between two buildings. To the north of the site is Chapel Close which is a cul-de-sac and the rear gardens for some of these dwellings back directly onto the site. The telephone exchange is a long, narrow, single storey building and the site matches this characteristic. The site is located within the settlement boundary for Luton and it is in a sustainable location for residential development.
7. The rear gardens of the Chapel Close dwellings back onto the side boundary of the site. These dwellings have first floor dormer windows on the rear roofslope which overlook the entirety of the site. Additionally, the site is bounded by low level fencing and because of this there is currently clear inter-visibility between the former telephone exchange and the rear ground floor windows of those dwellings.
8. The appellant indicates that the resultant privacy issues could be addressed at reserved matters stage by providing taller fencing around the site and siting the dwelling in an alternative location to that shown on the indicative plan. However, the rear gardens in Chapel Close are shallow and because of their rear dormer windows, 2m tall fencing would be unlikely to block the views from the neighbouring properties over most of the site. For this reason, I am not convinced that an acceptable level of privacy could be achieved for the future occupiers of the dwelling.
9. The appeal is made in outline, so whether new fencing would appear overbearing from within the proposed dwelling would be dependent on the siting of the dwelling and the position of windows. 2m tall fencing is common within residential gardens so it is not expected that the fencing would necessarily appear overbearing to the future occupiers of the dwelling when using the garden.
10. The description of development taken from the application form is for '1no. single storey dwelling' and the Statement of Case notes that the dwelling would likely be a one-bedroom dwelling. Whilst one-bedroom dwellings may not be commonplace, the amount of external amenity space required for such a dwelling has been specifically identified as being 45 square metres in Appendix 6 of the Luton Local Plan 2011-2031 (LLP) (Adopted 2017). I am not convinced that the site is large enough to accommodate a garden that meets these minimum external amenity space standards as well as accommodating a suitably sized dwelling and sufficient vehicle parking and turning area.
11. The size of the proposed garden could be similar to some of those neighbouring gardens in Chapel Close. However, those appear to be significantly smaller than the size of rear gardens generally in the area, and I do not consider that these few examples of small gardens should justify a substandard sized garden here. Whilst the park located nearby to the site would provide additional recreational space, this would not mitigate for the lack of a suitable private amenity area.
12. The appellant's suggestion of a 'grasscrete' style shared parking and garden area may provide a more visually attractive parking area than traditional

surfacing materials, but would only provide amenity space intermittently when not parked upon which I do not consider to be acceptable.

13. In summary, whilst the site may be within a sustainable location for residential development, the proposal has not demonstrated that suitable living conditions for the future occupiers, with regard to privacy and amenity space, can be achieved and the site would therefore not be suitable for residential development. Consequently, the proposal would be contrary to policy LLP25 of the LLP which states that new housing should provide amenity space in accordance with Appendix 6 of the LLP, as well as avoiding backland development where it would give rise to adverse amenity.

Housing Mix

14. As the proposal is for a single dwelling it cannot provide a housing mix. Furthermore, as the proposal was made in outline the number of bedrooms provided within the dwelling is unknown. However even if it were to be a one-bedroom house, as suggested by the appellant, Policy LLP15 of the LLP does not set a cap on further development of this size. I recognise the Officer's report states that there is an oversupply of one-bedroom properties and that the policy supports housing in line with the identified need. Nonetheless, I cannot conclude that the provision of a single dwelling, which may not necessarily be a one-bedroom property, would conflict harmfully with the policy. Consequently, the proposal would be in accordance with policy LLP15 of the LLP.

Other matters

15. Whilst not developing the site may result in anti-social behaviour, this could be controlled through appropriate security measures.

Conclusion and Recommendation

16. Therefore, whilst the proposed dwelling would deliver a single dwelling within a sustainable location, it has not been demonstrated that it would be possible to construct a dwelling on the site that would provide acceptable living conditions for the future occupiers of the dwelling. Consequently, I give substantial weight to this harm which would outweigh the limited benefit of a single dwelling. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

Andrew Owen

INSPECTOR