
Appeal Decision

Site visit made on 30 November 2020

by D Hartley BA (Hons) MTP MBA MRTPI

An Inspector appointed by the Secretary of State

Decision date: 2nd December 2020

Appeal Ref: APP/B0230/D/20/3254204

18 Watermead Road, Luton LU3 2TD

- 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 Habid Iqbal against the decision of Luton Council.
 - The application Ref 20/00034/FULHH, dated 9 January 2020, was refused by notice dated 26 March 2020.
 - The development proposed is the erection of a first floor side extension, front porch and erection of a garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the Council's refusal notice and the appellant's appeal form as that more accurately reflect what is shown on the submitted plans.

Main Issues

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

Reasons

Character and appearance

4. The appeal property is semi-detached and is positioned on the corner of Watermead Road with Leathwaite Close. There is a variety of different house types in the area and a number of them have been extended in different ways. However, where extensions have taken place to properties, they are mainly subordinate in scale to the original dwellings. In this case, the host dwelling has already been extended to the side and front. There is a first floor extension to the adjacent semi-detached dwelling (i.e. No 16 Watermead Road) but this is not as wide or bulky as the proposed first floor side extension to the appeal property.
5. Whilst the pair of semi-detached properties do look different in terms of later additions and extensions, nevertheless a degree of overall design balance and symmetry does still exist across the two dwellings. The later additions to the dwellings do generally appear subordinate in scale.

6. The side of the appeal property can be clearly seen from both Watermead Road and Leathwaite Close. The existing development to the side of the appeal dwelling is single storey and this is replicated in respect of the space to the side of the other corner semi-detached dwelling at No 20 Watermead Road. In fact, there is a relative and pleasing consistency of spaciousness running directly alongside both sides of Leathwaite Close and this adds positively and distinctively to the character and appearance of the area.
7. The first floor extension would be very wide in the context of the first floor part of the existing house. Owing to its scale, bulk, width and high ridge line, it would fail to appear as a subordinate addition to the host property. I do accept that No 16 Watermead Road has been extended to the side at first floor level. However, the proposed extension would be much larger and bulkier than this development. It would pay no reasonable attention to the need to achieve a degree of design consistency and symmetry across the two properties.
8. Furthermore, given the height and width of the first floor extension it would depart significantly from the overall sense of spaciousness that is prevalent to the sides and fronts of properties that line Leathwaite Close. Therefore, the development would appear unacceptably dominant and out of place in the street-scene.
9. I am satisfied that the front porch would be acceptable in design terms. When considered in isolation the proposed garage would not cause significant harm to the character and appearance of the area as it would be single storey in height. However, it would be erected tight up to the boundary with Leathwaite Close and when considered in conjunction with the first floor side extension, the side development as a whole would appear cramped and prominent within its plot. I accept that the appeal dwelling is positioned in a large plot, but this does not obviate my concerns about the collective impact of the proposed development to the side of the property.
10. I therefore conclude that when the proposal is considered as a whole, it would cause material harm to the character and appearance of the area. It would not therefore accord with the design requirements of policies LLP1, LLP9 and LLP25 of the adopted Local Luton Plan 2017 (LP). In reaching this view, I have taken into account the examples of extensions referred to by the appellant elsewhere, including comments made by other Inspectors. I have, however, determined this appeal on its individual planning merits and taking into account the site conditions that are relevant to this appeal proposal.

On-street car parking demand

11. The evidence is such that the proposal would result in a four bedroom house. The proposal would include the provision of a new garage. There is an existing double garage to the rear. The Highway Authority objects to the proposal on the basis that it is concerned that the proposed garage would be accessed via an existing dropped pedestrian crossing point and not a vehicular crossing and that the proposed drive length in front of the garage would lead to vehicles overhanging the pavement.
12. In numerical terms, I am satisfied that the proposal would meet the requirement for three on-site car parking spaces as detailed in policy LLP19 LP and the associated appendix 2. There is nothing in the policy or appendix to say that garages do not count as on-site car parking spaces. I note the

concerns about a vehicle overhanging the pavement, but that is a matter that could be controlled by way of a planning condition which precluded this land being used for the parking of a vehicle. Whilst a dropped crossing would be used to facilitate access onto the site and to the garage, there is nothing to suggest that this could not be altered in such a way that it could be safely and conveniently used as both a pedestrian and vehicular crossing.

13. Even if I were to agree with the Council and Highway Authority that use of the garage would not be acceptable from a car parking point of view, there is in fact no evidence before me to reasonably demonstrate that there is an existing on-street car parking demand problem in the area. Whilst my site visit was only a snap-shot in time, I observed that there was plenty of spare on-street car parking space on both Leathwaite Close and Watermead Road.
14. I therefore conclude that subject to conditional control, the evidence is such that the proposal would not give rise to on-street car parking demand problems in the locality or cause unacceptable harm to highway safety. Therefore, the proposal would not conflict with the car parking and highway safety requirements of policy LLP32 of the LP and paragraph 109 of the National Planning Policy Framework. The Council have referred to policy LLP1 of the LP in respect of this main issue, but I do not consider that it is of direct relevance apart from the fact that it requires proposals to accord with local plan policies.

Conclusion

15. Whilst I have found that the proposal would not lead to any significant on-street car parking demand pressures or cause unacceptable harm to highway safety, these are not matters which would alter or outweigh my conclusion that when the development is considered as a whole it would have a materially adverse impact on the character and appearance of the area. This is a matter of overriding concern and therefore I conclude that the appeal should be dismissed.

D Hartley

INSPECTOR