



Appeal Decision

Site visit made on 24 November 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Appeal Ref: APP/B0230/W/20/3256037

12A Letchworth Road, Luton LU3 2NU

- 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 Waheed Tariq against the decision of Luton Council.
 - The application Ref 20/00272/FUL, dated 11 February 2020, was refused by notice dated 1 May 2020.
 - The development proposed is described as construct new 2 bedroom detached house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area;
 - The effect of the proposed development upon the living conditions of existing occupiers with specific regard to light, privacy and outlook;
 - Whether the proposed development would provide acceptable living conditions for future occupants; and
 - The effect of the proposed development upon the safe and efficient operation of the highway network.

Reasons

Character and appearance

4. The appeal site comprises a parcel of land sited between the rear of 71 Gardenia Avenue and the side wall of 12 Letchworth Road. The site is fenced off from surrounding properties. No 71 has ground and first floor windows

overlooking the site. Properties in the area largely comprise semi-detached dwellings and small runs of terraces with limited off street parking and varying degrees of setbacks from the road creating a degree of spaciousness.

5. I acknowledge that the design and materials of the proposed dwelling would be sympathetic to nearby dwellings and it would not result in the loss of garden land. However, the proposed development would result in an uncharacteristic concentration of built form along Letchworth Road and due to its position and plot orientation it would not successfully integrate with the established pattern of development in the area.
6. Whilst there is no defined building line on this side of the road it would sit close to and forward of No 12 resulting in an awkward spatial relationship with the property and would appear as an overly dominant feature within the street scene. This close spatial relationship and the proximity to the rear boundary would result in an unduly cramped and uncharacteristic development undermining the area's character and appearance and the sense of spaciousness that exists.
7. I acknowledge that the proposed development would contribute towards local housing and make an efficient use of land. However, this is not sufficient justification for a development that I have found to be harmful.
8. I conclude that the proposed development would adversely affect the character and appearance of the area contrary to Policies LLP1, LLP15 and LLP25 of the Luton Local Plan (2017) (LP) which, amongst other things, requires all new development to contribute towards enhancing a sense of place, preserving or improving the character of the area, responding to and enhancing local character and responding positively to townscape, street scene, site and building context.
9. It would also be contrary to the National Planning Policy Framework (the Framework) which, at paragraph 127, sets out that developments should function well and add to the overall quality of the area.

Living conditions of existing occupiers

10. I note that there is a degree of mutual overlooking between properties in the area and that the proposal would not lead to direct overlooking between habitable rooms. However, the position of the proposed dwelling in close proximity to the boundary would result in direct overlooking of the rear gardens of properties along Gardenia Avenue leading to an unacceptable loss of privacy for existing occupiers. Whilst the areas closest to the rear of the dwellings would not be directly overlooked the resultant harm, due to this lack of separation, would still be significant.
11. I acknowledge that 71 Gardenia Avenue faces a flank wall and that no windows and doors in the side elevation of the dwelling are proposed. However, due to its position, height and proximity to nearby properties the proposal would be a visually intrusive and overbearing feature. It would create a sense of enclosure that would have a significant adverse impact on the living conditions of the occupiers of this property and dwellings along Gardenia Avenue by virtue of loss of sunlight and outlook.
12. I conclude that the proposed development would adversely affect the living conditions of existing occupiers with particular regard to loss of privacy,

sunlight and outlook contrary to Policies LLP1, LLP15 and LLP25 of the LP which, amongst other things, requires high quality buildings and spaces and new housing that minimises overlooking, overshadowing and loss of light.

13. It would also be contrary to the Framework which, at paragraph 127, seeks to ensure that developments have a high standard of amenity for existing and future users.

Living conditions for future occupiers

14. I acknowledge that the internal layout of the proposed dwelling would be adequate and habitable rooms would have adequate outlook, sunlight and daylight. However, the position of the windows in the rear elevation and its close proximity to the boundary with neighbouring properties would lead to overlooking into the property and a loss of privacy for future occupiers.
15. Whilst the amenity space would exceed the standards set out in the LP it would be directly overlooked by neighbouring properties resulting in an unacceptable loss of privacy for future occupiers. This harm, in my view, would not be overcome through planting along the boundary, as it would take some time to mature and could be removed at any time.
16. Whilst I accept that in some urban areas there is a degree of mutual overlooking between properties, in this case, the position of the proposed dwelling and its amenity space and its close spatial relationship with neighbouring properties would result in an oppressive environment for future occupiers with limited privacy or relief from neighbouring properties.
17. As such, I conclude that the proposed development would not provide acceptable living conditions for future occupiers contrary to Policies LLP1, LLP15 and LLP25 of the LP which, amongst other things, require high quality buildings and spaces and new housing that minimises overlooking.
18. It would also be contrary to the Framework which, at paragraph 127, seeks to ensure that developments have a high standard of amenity for future users.

Safe and efficient operation of the highway network

19. At the time of my visit on a weekday afternoon, I observed significant pressure for parking on Letchworth Road and surrounding roads. Whilst I acknowledge that this is a snapshot in time, it is likely that the demand for parking is greater in the evening and at weekends due to residents returning from work or daily activities.
20. The demand for vehicle parking is likely to increase due to the dwelling and whilst resident parking would be provided on site the proposed development would increase the likelihood of vehicles, including visitors, seeking to park and manoeuvre along the highway, in an area where demand for on street parking is already very high. This parking demand and the loss of an on-street space is likely to lead to indiscriminate and inconsiderate parking taking place in the area resulting in a significant adverse effect on the safe and efficient operation of the highway. A condition for cycle storage would not overcome the harm that I have identified in relation to this matter.
21. I conclude that the proposed development would adversely affect the safe and efficient operation of the highway contrary to Policies LLP1, LLP15, LLP25,

LLP31 and LLP32 of the LP which, amongst other things, seek to ensure that sufficient parking is provided to help ensure that adverse effects on highway safety and the convenience of nearby residents and users are avoided.

Conclusion

22. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR