



Appeal Decision

Site Visit made on 15 December 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th January 2021

Appeal Ref: APP/B0230/W/20/3258834

Land to the rear of 121-129 Connaught Road, Luton, LU4 8ES

- 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 F Flynn against the decision of Luton Borough Council.
 - The application Ref 19/01608/FUL, dated 9 December 2019, was refused by notice dated 9 March 2020.
 - The development proposed is erection of four semi-detached two 1 bedroom and 2 bedroom bungalows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the safety and convenience of highway users;
 - the living conditions of future and existing residents, with particular regard to noise and disturbance; and
 - the living conditions of future occupiers with particular reference to internal living standards.

Reasons

Character and appearance

3. The appeal site is located to the rear of 121-129 Connaught Road, which are part of a row of terraced properties located within a predominately residential area, with industrial development to the rear. The character of the area is derived from the rows of terraced housing and I consider that the consistent and established pattern of development contributes positively to the character of the area.
 4. The proposed development would result in the introduction of development to the rear of Connaught Road, with the proposed dwellings facing onto the narrow access road which runs behind the existing terrace. The location of the development would be in contrast with the prevailing pattern of development within the area. Their location directly behind the existing terrace would create a development which would be divorced from the existing street scene.
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5. Although the dwellings would not be readily visible from the street, they would be visible from the windows of the existing residential properties and there would be glimpsed views possible between the existing dwellings adjacent to the access road.
6. In conclusion, the tandem form of development would be at odds with the prevailing character of the area and give rise to unacceptable harm to the overall character and appearance of the area, contrary to policy LLP1, LLP15 and LLP25 of the Luton Local Plan 2011-2031 (LP) which sets out the presumption in favour of sustainable development and relates to the provision of additional housing whilst seeking to ensure development is of a high quality design, creating quality places.

Highway Standards

7. The access road leading to the appeal site is of limited width and is bordered on either side by fencing which encloses the space further. As a result of its limited width and lack of dedicated footpath, the lane would be a shared space between pedestrians, cyclists and vehicles, which could lead to conflict between these users.
8. I agree with the Highway Authority that insufficient evidence has been submitted to demonstrate how the proposed parking spaces would be accessed, in terms of manoeuvring into and out of the proposed spaces and whether vehicles would need to use the access lane in order to undertake parts of those manoeuvres. This lack of suitable parking could result in vehicles choosing to park along Connaught Road, which would increase demand in the area. Increased parking demand in instances of limited supply may lead to additional congestion as drivers seek parking spaces, or park illegally, which would be detrimental to highway safety.
9. The proposed layout indicates a vehicle turning area located between the two pairs of dwellings, however this is unlikely to be suitable for larger vehicles, who would still be required to reverse along the access road which would be unsatisfactory, given its limited width. Therefore, I consider that the increase in traffic, in combination with the increased likelihood of pedestrians from the development walking along the access road and lack of adequate turning and manoeuvring for vehicles, would result in conditions that would be detrimental to highway safety.
10. In conclusion, it has not been demonstrated within the evidence before me that the proposed access and parking arrangements would not result in an adverse effect on highway safety, contrary to policies LLP1, LLP25, LLP31 and LLP32 of the LP which together seek to ensure that development reduces the safety risk to motor vehicles and non-motorised and vulnerable users of the highway, and that development is safely and easily accessed by all members of the community.

Noise and disturbance

11. The proposed development would place residential dwellings closer to the industrial estate located to the rear of Connaught Road than that which currently exists, with the existing long gardens providing a degree of separation between the two uses.

12. The Council's Environmental Health Officer has stated that there would be increased noise and disturbance for the adjoining residents on either side of the access road, as a result of increased traffic movements and for future occupiers from the existing commercial properties.
13. In considering the previous appeal¹ the Inspector concluded that the development of the site would not result in an increase in noise and disturbance in the area for existing occupiers and I have no evidence before me which would lead me to come to a different conclusion.
14. Having regard to the likelihood of disturbance for future occupiers from the nearby commercial uses, given the degree of surrounding residential development, I consider that the operation of this site must already be subject to considerable restraint on its operation to protect existing residents from noise and disturbance. I have also not been provided with any evidence to suggest that the uses within the estate are particularly noisy or have proved unsatisfactory to existing residents.
15. Any impact from noise could be mitigated by incorporating acoustically treated glazing with acoustic vents with similar sound reduction performance. The appeal proposal does not provide any specific details of the proposed glazing, however I am satisfied that such detail could be agreed by condition requiring the submission and approval of an appropriate scheme of noise mitigation.
16. Therefore the development would provide suitable living conditions for future and existing occupiers with particular regard to noise and disturbance in accordance with policies LLP1 and LLP25 of the LP which sets out the presumption in favour of sustainable development and requires new housing to minimise noise and disturbance.

Internal living standards

17. Policy LLP25 of the LP requires all proposals to create quality places and provision should be made to optimise higher densities whilst delivering new housing in accordance with external space standards and ensure access to storage and privacy. However, whilst the supporting text to the policy highlights the need for any increased density to be informed by securing adequate internal and external space, the policy predates the introduction of the Nationally Described Space Standards (NDSS). The guidance within Housing: optional technical standards is clear that these can only be applied by reference within a Local Plan to the nationally described space standard.²
18. I have not been provided with any details of the size of the dwellings considered by the previous Inspector, when they reached a conclusion that the proposal would not provide a high standard of amenity for future occupiers. However, each case must be determined on its own merits and on the basis of the evidence before me.
19. The proposed layout indicates 2 no. 2 bedroom dwellings over two storeys and 2 no. 1 bedroom single storey dwellings. The NDSS for a one bedroom dwelling is 50 sqm and for a two bedroom 3 person dwelling it is 70 sqm. Although evidence has not been provided which confirms the internal floor areas it would appear that the proposed dwellings would fall below these standards.

¹ APP/B0230/W/19/3231461

² <https://www.gov.uk/guidance/housing-optional-technical-standards>

20. However, whilst each of the proposed dwellings would be smaller than the minimum sizes set out within the NDSS, I have had regard to the internal layouts proposed for each of the dwellings in considering whether they provide an adequate standard of accommodation. The layout indicated within the submitted plans demonstrates that the proposal would provide a dwelling with rooms of a reasonable size and includes storage on the ground floor. In conclusion, I consider that the development would not be oppressively confined such that it would be significantly harmful to its occupants, having regard to the lack of conflict with any adopted space standards.
21. Therefore the development would provide suitable living conditions for future occupiers with particular regard to internal living standards in accordance with policies LLP1 and LLP25 of the LP which sets out the presumption in favour of sustainable development and requires new housing to ensure access to storage and privacy.

Other Matters

22. I have taken into account that the development would result in dwellings which would meet an identified need, in a highly accessible location, that would contribute to housing supply in the area. However, these benefits are not of sufficient magnitude to outweigh my overall conclusion on the character and appearance of the area and highway safety.

Conclusion

23. In conclusion, whilst I have found that the development would not be detrimental to the living conditions of future and existing occupiers, significant harm would be caused to the character and appearance of the area and to highway safety. Therefore, taking account all other matters raised, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR

