



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/20/3258144

Rear of 65 & 67 Meyrick Avenue, LUTON, LU1 5JW

- 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 Tahir & Qasim Chaudhry against the decision of Luton Borough Council.
 - The application Ref 20/00679/FUL, dated 16 June 2020, was refused by notice dated 30 July 2020.
 - The development proposed is erection of one two bed dwelling on land rear of 65 and 67 Meyrick Avenue, Luton.
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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; and
 - whether the development would provide acceptable living conditions for future occupiers, with particular reference to amenity space.

Reasons

Character and appearance

3. The appeal site comprises the rear garden of 65 and 67 Meyrick Avenue, a semi-detached two storey dwelling which is located on the corner of Meyrick Avenue and Tenzing Grove. Both streets are predominately residential in character and characterised by semi-detached dwellings evenly spaced in a generally linear pattern.
4. The proposed detached dwelling would be sited within the rear garden of 65 and 67 Meyrick Avenue and would front onto Tenzing Grove. This would be at odds with the form and appearance of the existing pairs of semi-detached dwellings, even those which have been extended to the side. The introduction of a dwelling in this location would disrupt the overall rhythm of the area, resulting in a contrived and incongruous form of development.

5. The proposed hipped roof on the proposed dwelling would also be at odds with the general form of the development within Tenzing Grove. Whilst there are examples of hipped roofs within Meyrick Avenue and opposite the appeal site, the predominant character within Tenzing Road is that of gabled roofs. I therefore conclude that the combination of the detached form and design of the dwelling would appear incongruous when viewed against the dwellings within the immediate locality.
6. I have had regard to the other examples of infill development that have been provided by the appellant, however in these examples the infill development is located to the side of the dwelling and the design and detailing reflects the character of the original dwelling. The characteristics of each site are different and the circumstances that applied to other cases may not be directly comparable to the appeal proposal.
7. I therefore conclude that the proposed development would be harmful to the character and appearance of the area. It would conflict with Policies LLP1, LLP15 and LLP25 of the Luton Local Plan 2011-2031 which 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.

External Amenity Space

8. The proposal would result in the provision of a 2 bedroom dwelling with approximately 70 sq metres of external amenity space. This is provided to the rear and side of the dwelling. Appendix 6 of Policy LLP25 requires all new development to be provided with 90 sq metres, however for units of 1-2 bedrooms a lesser area would be considered. Small enclosures should have regard to the character of the area and design of the house, provided that the area is no less than 45 sq metres. Therefore, whilst the development would not meet the upper limit of the policy, as a 2 bedroom dwelling, a smaller figure can be considered.
9. The Council considers that having regard to the general character of the area, that the amenity space would be significantly less than that achieved within surrounding dwellings and therefore would be unacceptable. Whilst other properties have larger gardens, the proposed dwelling would have a garden that would enable sufficient space for sitting out, for the drying of washing and storage of refuse and therefore would function adequately for the size of the dwelling.
10. In conclusion, the development would provide acceptable living conditions for future occupiers, with particular reference to amenity space and would be in accordance with Policy LLP25 of the LP as the area of amenity space provided would exceed the minimum requirements set out within appendix 6 of the Policy.

Other Matters

11. I have taken into account that the development would result in an additional dwelling which would meet an identified need, in a highly accessible location, that would contribute to housing supply in the area and as a small site could be

built out relatively quickly. However, these benefits are not of sufficient magnitude to outweigh my overall conclusion on the main issue.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR