
Appeal Decision

Site visit made on 9 February 2021

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 1st March 2021

Appeal Ref: APP/B0230/W/20/3261944

No 2 The Crossway, Luton LU1 5NB

- 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 Mrs Shaffi against the decision of Luton Council.
 - The application Ref 20/00689/FUL, dated 16 June 2020, was refused by notice dated 5 August 2020.
 - The development proposed is erection of a three-bedroom end of terrace dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has submitted revised drawings as part of the appeal that indicate a repositioned window on the ground floor of the front elevation. Having had regard to the Wheatcroft Principles, this change would not deprive those who should have been consulted on the changed development of the opportunity of such consultation. I have therefore had regard to the amended drawing.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The area surrounding the appeal site is characterised by two storey semi-detached and terraced dwellings with ample spacing and similar forms and materials. Therefore, while I note the parade of retail units nearby, the area otherwise has a residential, spacious and unified character and appearance.
5. In 2020 planning permission for the site for the erection of two storey attached building to provide a three-bedroom end of terrace property with associated parking was granted by the Council. From the evidence it appears likely that the 2020 scheme would be implemented should this appeal fail and forms a fall-back position.
6. The proposal consists of the erection of a dwelling that would convert the existing semi-detached properties to a terrace of three dwellings as per the extant permission. However, the proposed dwelling would be around 0.4m

wider than the approved dwelling and would include an alley access between the proposed building and the adjacent dwelling. While I note the distance between the proposed building and the dwelling at No 71 Wilsden Avenue, the increased width of the scheme would nevertheless reduce the distance between these buildings thereby diminishing the sense of spaciousness characteristic of the area compared with the fall-back scheme.

7. In addition, while I note its width and the presence of others in the area, the access alley would nonetheless unbalance the composition of the terrace, resulting in an incongruous appearance.
8. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with Policies LLP25 and LLP1 of the Luton Local Plan 2011-2031 Adopted November 2017 which together require development to enhance the distinctiveness and character of the area among other things.

Other Matters

9. While I note the scheme subject of a previous appeal, since it was for a detached dwelling, and was determined under a different development plan, it is not directly relevant to this appeal. In any event, each case must be determined on its individual merits.
10. The scheme would not result in harm in terms of living conditions of neighbouring occupiers and would provide a suitable living environment for future occupiers. I also acknowledge that the development plan encourages the efficient and effective use of land by developing at high densities. However, while I acknowledge that landscaping could be secured by a suitably worded condition, given the harm identified above, these matters have not altered my overall decision.

Conclusion

11. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR