



Appeal Decision

Site visit made on 5 March 2021

by Euan FS Pearson BA(Hons) BTP FRGS MRICS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2021

Appeal Ref: APP/B0230/D/20/3262702

9 Sutton Gardens, Luton LU3 3AF

- 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 Ms Farah Hussain against the decision of Luton Borough Council.
 - The application Ref 20/01049/FULHH, dated 19 August 2020, was refused by notice dated 15 October 2020.
 - The development proposed is erection of 2m high boundary wall (retrospective, with part alterations).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on i) the character and appearance of the existing surrounding area; and ii) the living conditions of neighbouring occupiers.

Preliminary Matter

3. I observed during my site visit that the proposed development has been substantially completed thus allowing me a fuller appreciation of the effect on the appeal property and surroundings.

Reasons

Character and appearance

4. The appeal property is a semi-detached dwellinghouse occupying a prominent corner plot within Sutton Gardens. The rear garden is enclosed, until recently, with a low brick wall topped with timber fencing between brick pillars (overall height circa 1.8m), along the boundaries with the public footpath and the neighbouring property at No. 7. The timber fencing has been removed and a solid wall built to a height exceeding 2m. It is proposed to complete the development by reducing the height of the wall to 2m and apply a render, in brown or yellow.

5. Sutton Gardens is a pleasant residential cul-de-sac characterised by houses set back from the footpath with open front gardens. Where there are boundary enclosures, fronting the street, these are typically brown timber fences or facing brick walls (beside garage blocks) not exceeding 2m in height. This includes a long stretch of fencing directly opposite No. 7. These materials match the finishes on the front elevation of the existing dwellinghouses.
6. The creation of two solid, predominantly block work boundary walls, at the proposed height and lengths, would be highly visible on entering (and within) the cul-de-sac and not in keeping with this setting, thus introducing an unwelcoming dominant feature, causing unacceptable harm to the character and appearance of the surrounding area. I do not consider that applying a render, brown, yellow or otherwise would mitigate this harm. Such a finish is not a feature of the streetscape at this point.
7. Therefore, the proposal conflicts with Luton Local Plan 2011-2031 (2017) policies LLP1 and LLP25. Among other things these require all new development to be of high quality design and preserve or enhance the character of the streetscene and local area. Similarly, creating high quality places is fundamental to sustainable development as set out in the National Planning Policy Framework 2019.

Living conditions

8. The neighbouring property, No. 7, is set back from the footpath and sits at right angles to the rear boundary with the appeal property. The front garden of No. 7 is hard surfaced and used for car parking. No. 7 has an integral garage and a glazed entrance porch. The front downstairs habitable room window is set behind the porch and thus views of the existing boundary with the appeal property are partially obscured. Therefore, I consider that there would be no material loss of outlook from No. 7 thus not adversely affecting the amenity of occupants.

Other Matters

9. The appellant contends that the length of wall along the boundary with No. 7 is permitted development, if restricted to a height of 2m. That wall is not set back from the footpath, and remains adjacent to the highway. It is, therefore, not permitted development in terms of Class A.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
10. The appellant refers to a previous permission Ref: 90/00875/FUL for a 2m high fence/wall. I have no specific details of that development or the circumstances of the decision before me for consideration. Notwithstanding this, I note that this predates the current Development Plan.

Conclusion

11. For the reasons given above, having taken into account all matters raised, I conclude that the appeal should be dismissed.

Euan FS Pearson

INSPECTOR