



Appeal Decision

Site Visit made on 1 June 2021

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

an Inspector appointed by the Secretary of State

Decision date: 14th June 2021

Appeal Ref: APP/B0230/W/21/3268329

1 Tythe Road, Luton LU4 9JH

- 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 Carroll against the decision of Luton Borough Council.
 - The application Ref 20/00535/FUL, dated 11 May 2020, was refused by notice dated 9 December 2020.
 - The development proposed is new 2-bed dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. While I note the description of development stated in the decision notice, I have used the description from the application form in the interests of certainty.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of neighbouring occupiers with regard to outlook and privacy; and
 - whether the proposal would provide a suitable living environment for future occupiers with regard to privacy.

Reasons

Character and appearance

4. The area surrounding the site consists of two storey semi-detached and terraced dwellings with similar forms, fenestration and materials such that the area has a unified feel. While the dwellings have modest separation distances, the gardens are generally of a significant length such that the area also has a spacious character and appearance.
5. The site forms part of the rear garden of No 1 Tythe Road (No 1) and given its undeveloped nature and position near the end of the road, it provides a pleasant spacious aspect to the character and appearance of the area.
6. The proposal would introduce a two-storey massing on an undeveloped site that would significantly diminish the spaciousness of the area. I note that the

plot is larger than others in the areas. However, while the property at No 1 and the proposed dwelling would have private amenity spaces that would comply with Appendix 6 of Local Luton Plan 2011-2031 November 2017 (LP), since the scheme would result in No 1 having a significantly shorter rear garden with an irregular shape, and the proposed dwelling having a garden with a depth much shorter than the surrounding properties, the dwelling would appear overly large for the size of the plot. In addition, since the dwelling would be sited a significant distance in front of the side elevations of the dwellings on either side, it would appear prominent on the street scene.

7. The proposed bay windows, while of architectural interest, would appear incongruous in the area given the similar flat fenestration prevalent in the surrounding buildings. Therefore, this feature would disrupt the unified character and appearance of the area.
8. While hipped roofs are also prevalent in the area, they are generally associated with semi-detached and terraced dwellings and as such the roofs have a longer ridge than the appeal scheme. Therefore, given the detached form of the proposal, the roof form would appear discordant compared with the unified character of the surrounding area.
9. I note the other dwellings referred to by the main parties including at Thirlstone Road, Wentworth Avenue, Brickly Road and Broxley Mead. However, these properties are some distance from the appeal site such that they do not form a direct comparison with this appeal in terms of character and appearance. I also note the evidence regarding a previous appeal on the site. Since both the proposed scheme and the development plan have changed since then, that case has not altered my findings in respect of this main issue. In any event each case must be determined on its individual merits.
10. Consequently, the proposed development would unacceptably harm the character and appearance of the area. Therefore, it would conflict with LP Policy LLP25 in this particular respect which seeks among other things, development that enhance the distinctiveness and character of the area. It would also conflict with the National Planning Policy Framework (Framework) in this particular respect.
11. Since LP Policies LLP1 and LLP15 do not refer to character and appearance, they are not directly relevant to this main issue.

Living conditions

12. The proposed dwelling would not be sited directly to the rear of No 1. Therefore, while the scheme would be visible from No 1, since there would be outlook in other directions, the proposal would not unduly harm the living conditions of neighbouring occupiers in this particular regard.
13. Since the proposed study room at first floor would be sited at the western end of the building, it would overlook the rear most portion of the rear garden of No 3 Tythe Road. While there may also be views at an angle towards the middle part of the garden of No 3, this would be similar to the relationship between other existing properties in the area. As such, the scheme would not result in unacceptable harm in this respect.
14. Consequently, the proposal would not harm the living conditions of neighbouring occupiers with regard to outlook and privacy. Therefore, it would

not conflict with LP Policy LLP25. It would also not conflict with the Framework in this particular respect.

15. Since LP Policy LLP1 does not refer to living conditions, it is not directly relevant to this main issue.

Living environment

16. While the proposed rear garden would be partially visible from the first-floor windows of No1 and No 3, the distance from the rear of the existing properties to the proposed rear garden would be sufficient such that undue overlooking would be unlikely to occur. In addition, any overlooking that would result from the scheme would be to a similar extent as between the existing dwellings. Accordingly, the proposal would not unduly affect the living environment of future occupiers in this particular respect.
17. Consequently, the proposed development would provide a suitable living environment for future occupiers with regard to privacy. Therefore, the proposed development would not conflict with LP Policy LLP25 in this particular respect which seeks development that minimises overlooking among other things. It would also conflict with the National Planning Policy Framework (Framework) in this particular respect.
18. Since LP Policies LLP1 and LLP15 do not refer to privacy, they are not directly relevant to this main issue.

Other Matters

19. While I note the evidence regarding the Covid-19 pandemic, this is a temporary situation and has not altered my overall decision which has been made based on the planning merits of the scheme.
20. The scheme would contribute a single dwelling to the local housing supply and future occupiers would be likely to contribute to the local economy and community. In addition, there would be temporary economic benefits during the construction phase. However, since the scheme is for one dwelling, these benefits would be limited. Therefore, while I acknowledge the Government's objective of significantly boosting housing supply, given the unacceptable effect of the proposal on the character and appearance of the area, these matters have not altered my overall decision.

Conclusion

21. For the reasons given above the proposal would conflict with the development plan as a whole and in the absence of other material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR