



Appeal Decision

Site Visit made on 21 June 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2021

Appeal Ref: APP/B0230/W/21/3269078

54 Mossbank Avenue, Luton, Bedfordshire LU2 9HH

- 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 & Mrs Baciú against the decision of Luton Borough Council.
 - The application Ref 20/01184/FUL, dated 17 September 2020, was refused by notice dated 11 December 2020.
 - The development proposed is 2 bed detached dwelling in garden of existing house.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Baciú against Luton Borough Council. That application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - The effect upon the character and appearance of the area; and
 - The effect upon the living conditions of residential occupiers at No 54 Mossbank Avenue (No 54), having particular regard to light and outlook, and at No 1 Gresham Close (No 1), having particular regard to privacy.

Reasons

Character and appearance

4. The appeal site contains No 54, a semi-detached dwelling and an associated single garage intended to be demolished. It is comprised of a corner plot where Mossbank Avenue meets Gresham Close (the Close). The area is typified by similarly designed semi-detached houses. These are often consistently spaced and tend to be setback similar distances from the highway. There is thus a formal and somewhat spacious residential character and appearance in place local to the site.
5. I do not dispute that relevant standards that relate to internal space, private amenity space and parking would be met. It is also the case that, in terms of its height, scale, depth and general appearance, the proposed dwelling would be reflective of other houses nearby. Nevertheless, the scheme would fail to respect the local pattern of development. Indeed, the new dwelling would be unsympathetically positioned directly to the side of a well-balanced pair of semi-detached dwellings and would appear as a discordant and over-intensive

addition to the streetscene. This is even though articulation is intended to the flank elevation alongside some elements of new planting.

6. I acknowledge that No 52 Gresham Close (No 52), which occupies the corner plot situated opposite to the site, is served by a sizeable side extension. However, reflective of the area's host character and appearance, No 52 continues to be read and experienced as a semi-detached property set in from its highway boundaries and upon spacious grounds. The proposed dwelling would instead be sited upon a sub-divided plot of unduly cramped dimensions.
7. My attention has been drawn to various planning decisions relating to corner plots situated on nearby Lalleford Road and thus in the general locality of the site. One of the schemes referred to is at No 115 Lalleford Road (No 115), where a detached dwelling was allowed on appeal in 2016. As was apparent upon inspection, No 115 sits in a location where a less formal residential character and appearance is identifiable when compared to the appeal site's immediate surroundings. Indeed, the 2016 Inspector noted the presence of occasional terraced rows and that the residential area had changed since it was first built.
8. One of these changes to the residential area took place at No 71a Lalleford Road (No 71a) where planning permission for a detached two storey dwelling was first granted in June 2009. Whilst No 71a serves to illustrate the built variety that can be experienced to certain stretches of Lalleford Road, it is sufficiently distanced from No 54 to have limited relevance to the process of identifying the character and appearance that exists local to the appeal site. Of greater relevance is the composition of the various dwellings that have a direct or close physical relationship to the site.
9. The above finding similarly applies to permissions for attached dwellings at Nos 70 and 73 Lalleford Road. In any event, it is difficult to draw direct parallels between the permissions in place at those sites and the proposal for a detached dwelling that is now before me.
10. For the above reasons, the scheme would cause harm to the character and appearance of the area. The proposal conflicts with Policies LLP1, LLP15 and LLP25 of the Local Luton Plan 2011-2031 (adopted November 2017) (the Local Plan) and with the National Planning Policy Framework (February 2019) (the Framework) in so far as these policies require all new development in the Borough to contribute to enhancing a sense of place and preserving or improving the character of the area and to not result in an over-intensification of the site.

Living conditions

11. No 54 is served by a part-glazed main entrance door and adjacent sidelight (the entrance door) to its flank elevation. This, I understand, serves an internal hallway as opposed to any internal space that could be correctly identified as a habitable room. As could be confirmed upon inspection, the entrance door's glazed elements are comprised of patterned glass and thus realistically offer a restricted level of outlook for the property's occupiers.
12. The proposed dwelling, by virtue of its positioning and proximity to No 54, would lead to a marked deduction in the level of natural light able to reach the entrance door. However, when factoring in the nature of the internal space

served, these circumstances would not lead to any undue adverse effect being caused to the living conditions of No 54's occupiers. Indeed, the levels of light and outlook obtainable via various glazed openings/elements in place to the front and rear of No 54 (and serving habitable areas) would not be impinged upon to any noticeable or harmful degree by the scheme.

13. It has been suggested by the Council that the occupiers of No 1 would experience loss of privacy and an increased perception of overlooking. However, it was apparent upon inspection that the facing flank wall of No 1 contains merely a patterned glass door and accompanying sidelight at ground floor. Furthermore, the proposed dwelling would be setback from No 1 beyond intervening garden spaces and alongside No 54, a two-storey property that already provides outlook from within the appeal site upon a similar orientation and from a comparable distance. In this context, no openings with the potential to lead to harmful overlooking would be provided.
14. For the above reasons, the scheme would not cause harm to the living conditions of adjoining occupiers at either No 54 or No 1, having particular regard to light, outlook and privacy. The proposal accords with Policy LLP25 of the Local Plan and with the Framework in so far as these policies set out that new housing shall be delivered whilst minimising overlooking and overshadowing/loss of light.

Other Matters

15. The proposal would deliver an additional housing unit in an urban location well-served by locally accessible facilities and services. Indeed, the Framework reaffirms the Government's objectives of significantly boosting the supply of homes and of making an effective use of land. However, whilst I acknowledge the important role that windfall sites can play, one additional dwelling would not make a clear difference to the overall housing land supply position in the Borough. I thus attach limited weight to the proposal's benefits in this sense.
16. The scheme would also create jobs during the construction phase and provide support to the local economy and local community facilities once occupied. However, these benefits also attract limited weight due to the modest scale of development under consideration.
17. The contributions associated with the delivery and subsequent occupation of a single dwelling would be modest and would not outweigh the considerable harm and associated policy conflicts that I have identified. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

18. Whilst I have found that the proposal would have an acceptable effect upon the living conditions of adjoining occupiers, I have identified that considerable harm would be caused to the character and appearance of the area. That harm is the overriding consideration in this case. For the reasons given above, the appeal is dismissed.

Andrew Smith

INSPECTOR