



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/21/3267190

207B Dunstable Road, Luton LU1 1DD

- 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 Haqeel Ahmed against the decision of Luton Borough Council.
 - The application Ref 20/01358/FUL, dated 28 October 2020, was refused by notice dated 11 December 2020.
 - The development proposed is removal of existing retractable canopy and erection of single storey front extensions to create additional display areas.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect upon the character and appearance of the area.

Reasons

3. The appeal property (No 207B) makes up part of a parade of commercial units that runs Dunstable Road and forms part of the Bury Park District Centre. Indeed, the site is positioned upon a designated District Centre frontage and Dunstable Road (in the vicinity of the site) is typified by the presence of ground floor commercial units that are often set upon consistent front building lines.
4. Upon my inspection of the local area I observed the existence of various retractable/dismountable canopies or temporary structures that offer the opportunity for goods to be displayed beyond the frontages of commercial units during trading hours. Such an arrangement was in place at the appeal site, where a part-enclosed retractable canopy (the canopy) could be observed to jut out a not insignificant distance forward from the front of the building.
5. The proposed front extension would protrude forward by a distance comparable to that protruded by the canopy. However, it would instead be a permanent feature. Moreover, outside of trading hours, the front extension would take the form of a fully enclosed structure served by solid roller shutters to its front-facing elevation. Its visual impact would thus noticeably exceed that of the canopy.
6. A permanent single-storey extension (the existing extension) is in place to the front of nearby Nos 201-203 Dunstable Road (Nos 201-203). It was granted permission¹ in August 2014 and is of not dissimilar design to the proposed extension now before me. That permission, I note, was issued based on the structure being glazed to its frontage, as opposed to roller shuttered.

¹ 14/00339/FUL

7. As constructed, the existing extension represents a discordant and unduly prominent feature. Indeed, its projection forward into the streetscene and the solid roller-shuttered makeup of its frontage (as would be experienced outside of trading hours) lead me to find that the existing extension does not set a positive precedent for future development proposals nearby.
8. The front extension now under consideration would, when compared to the existing extension, project further forward and thus closer to the carriageway. In this context, even when acknowledging that its external finishes could be secured via condition, the proposed extension, being of permanent and solid specification, would represent an unsympathetic and visually intrusive addition to the parade.
9. Various planning permissions² relating to front extensions to Dunstable Road properties (situated to the north west relative to the appeal site) have been brought to my attention. However, each is sufficiently distanced not to strongly influence the character and appearance of the site's immediate surroundings. It was also evident upon my own inspection of these other sites that buildings in that general locality tended to be setback further from the carriageway when compared to the parade that contains the appeal property. For these reasons, the permissions referenced are of limited relevance to my considerations.
10. A 2020 appeal decision³ at No 169 Dunstable Road, which is located at the junction of Dunstable Road and Kenilworth Road, has been submitted. That scheme relates to a side extension (along Kenilworth Road) as opposed to a front extension addressing Dunstable Road. Indeed, the Inspector in that case identified Kenilworth Road as a side road and acknowledged the presence of neighbouring high-density terraced housing built up close to the pavement. Different circumstances apply in the case of the appeal now before me, which relates to a frontage that directly addresses one of the District Centre's main thoroughfares. I thus find the 2020 appeal decision to be of limited relevance.
11. A 2016 appeal decision⁴ has also been submitted, which relates to a front extension at No 84-86 Roman Road. That site is not closely located to the current appeal site and instead makes up part of a short standalone parade of commercial units. It is also evident that the extension, as permitted, was to be setback from the pavement that is in place to the front of that site. Thus, different site circumstances apply when the schemes at Roman Road and No 207B are compared, which leads me to find that the 2016 appeal decision is of little relevance here.
12. For the above reasons, the proposal would cause harm to the character and appearance of the area. The scheme conflicts with Policies LLP1 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 promote high quality design and require all new development in the Borough to contribute to enhancing a sense of place and preserving or improving the character of the area.

² 13/01628/FUL; 15/00514/FUL; 08/00790/FUL

³ APP/B0230/W/20/3255610

⁴ APP/B0230/Z/16/3147764

Other Matters

13. I have noted objections/concerns raised by interested parties with respect to matters including the effects upon pedestrian footpath movements, neighbouring levels of natural light and available views. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.
14. The proposal would, through the provision of additional permanent retail floor space, help deliver and reinforce a network of mixed-use District and Neighbourhood centres in compliance with the requirements of Policy LLP23 of the Local Plan. However, owing to the small extent of additional floor space under consideration, I attach limited weight to this benefit of the proposal. Indeed, the scheme's benefits would not outweigh the significant harm that would be caused to the character and appearance of the area. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

15. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR