



Appeal Decision

Site visit made on 16 August 2021

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021.

Appeal Ref: APP/B0230/D/21/3274423

104 Brompton Close, Luton, LU3 3QU

- 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 Kempster against the decision of Luton Borough Council.
 - The application Ref:21/00197/FULHH, dated 7 February 2021, was refused by notice dated 1 April 2021.
 - The development proposed is erection of a detached garage.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of a detached garage at 104 Brompton Close, Luton, LU3 3QU, in accordance with the terms of the application ref: 21/00197/FULHH, dated 7 February 2021 and subject to the conditions in the schedule at the end of this document.

Main Issue

2. The main issue in this appeal is the effect of the proposed garage on the character and appearance of the area.

Reasons

3. No.104 Brompton Close is a detached dwelling located within a modern housing estate. The proposed garage site is a prominent corner plot which is partly enclosed by a timber boundary fence. The frontages of houses in the estate are generally open, with lawns and driveways used for parking vehicles. Garages are usually sited at the side elevations of dwellings and set back from the front of the building.
4. The adjacent dwelling of No.102 Brompton Close has a large flat -roofed double garage to its side. The garage is sited at a higher level than the appeal site and is prominent in the street scene because of its location near a corner and its large white garage door. A hedge at the rear of the footway provides some softening of the view of the side elevation of the garage. There is also a prominent double garage nearby at No.84 Brompton Close.
5. The appellant has advised that the proposal was the subject of pre-application discussion and consequently the submitted scheme was a more regular shape and smaller than originally intended in order to retain openness, as far as possible, at the corner site. The proposed garage would be smaller in footprint than the garage at No.102 and would also have a flat roof.

6. The timber boundary fencing at the appeal site is not characteristic of the street scene. The overall design of the proposal at this prominent site would benefit from removal of the fencing and some shrub planting provided within the triangular area which would be created at the rear of the proposed garage. This could be secured through the imposition of appropriate conditions.
7. The openness of the corner plot would be reduced by the development. Nevertheless, subject to mitigating landscape conditions, I consider that a garage of the scale and design proposed would not unduly harm the character and appearance of the street scene or area at this particular location within the estate. The proposal would therefore not conflict with Luton Local Plan 2011-2031 policy LLP1 concerning the presumption in favour of sustainable development, Local Plan policy LLP19 regarding house extensions or conflict with Local Plan policy LLP25 relating to high quality design. It would also fail to conflict with the design objectives of the National Planning Policy Framework.

Conditions

8. I consulted the Council, and the appellant, and they were both agreeable to my suggested draft conditions. In addition to the standard condition for the timescale of development I have included a condition to confirm the approved plans. Conditions requiring matching external materials and the submission and implementation of a landscaping scheme, including removal of the timber boundary fence, are imposed in the interest of maintaining the character and appearance of the development and that of the surrounding area. Finally, a condition removing permitted development rights for converting the garage to living accommodation is included to allow the Council to control any such proposal.

Conclusion

9. I have taken all other matters raised into account, including the appellant's requirement for security. For the reasons given above, I conclude that the appeal should be allowed subject to conditions.

Martin H Seddon

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PLSM-proposed site map, PLBP-proposed block plan, PL01-proposed garage plans, PL02- proposed garage roof plans, PL03-proposed garage elevations.
- 3) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include removal of the existing timber boundary fence, details of hard and soft landscaping and planting. Development shall be carried out in accordance with the approved details.

- 4) All planting, seeding, or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged shall be replaced in the next planting season with others of a similar size and species.
- 5) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 6) Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 and provisions of the Town and Country Planning (General Permitted Development Order) 1995, (or any Order revoking and re-enacting that Order with or without modification) at no time shall the garage facility hereby permitted be converted to living accommodation without the prior permission of the Local Planning Authority.