
Appeal Decision

Site visit made on 17 August 2021

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2021

Appeal Ref: APP/B0230/D/21/3276170

14 Bembridge Gardens, Luton LU3 3SJ

- 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 I Azaim against the decision of Luton Council.
 - The application Ref 21/00350/FULHH, dated 9 March 2021, was refused by notice dated 5 May 2021.
 - The development proposed is erection of a single storey side garage and single storey rear extension.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site has an extensive planning history relating to proposals to extend the property, including a two storey and single storey side extension granted in 2015¹ and a single storey side garage and rear extension that is the subject of current enforcement action by the Council. The appeal before me includes a number of proposed works, including the unauthorised development that is subject to the enforcement action. Nonetheless, I have appraised the proposal on the merits of the case before me.
3. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description.

Main Issues

4. The main issues are the effect of the proposed development on:
 - (i) the highway safety in the area; and
 - (ii) the character and appearance of the host property and the area.

Reasons

Highway safety

5. The proposed garage includes the removal of an existing garage and the car hardstanding at the side of the appeal property. The front elevation of the

¹ 15/00488/FUL

proposed garage would be located immediately adjacent to the back edge of the turning head on the public highway at the front of the site. A car hardstanding and dropped kerb is currently provided at the front of the appeal property and the road in the vicinity of the site has a straight and wide alignment and footpath provision.

6. Policy LLP32 of the Luton Local Plan 2017 (LP) states, amongst other things, that development will only be permitted if the proposal would not exacerbate highway and pedestrian safety. Paragraph 110 of the National Planning Policy Framework 2021 (the Framework) states that decisions should take into account whether safe and suitable access to the site can be achieved for all users. Paragraph 111 of the Framework goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
7. From the evidence provided and from my observations on site, I consider that this section of Bembridge Gardens is neither safe nor suitable to safely cater for the traffic movements from the host property. Due to the current configuration of the site and the proposed access arrangements, vehicles manoeuvring in and out of the proposed garage would have to park on the public highway or stop in the turning head whilst accessing the garage, leading to the increased potential for conflicts between traffic and cyclists or pedestrians in the vicinity of the site.
8. Consequently, I conclude that the proposed development would have an adverse effect on highway safety and would be contrary to Policies LLP25 and LLP32 of the LP, which I consider are relevant in this case. These policies, amongst other things, require buildings to be safe and easily accessed by all members of the community and ensure that the adverse effects on highway and pedestrian safety are avoided. It would also not accord with the Framework that seeks to ensure developments achieve safe and suitable access to the site for all users (paragraph 110), highway safety (paragraph 111) and create places which minimise the scope for conflicts between pedestrians, cyclists and vehicles (paragraph 112).

Character and appearance

9. The appeal property is a two storey semi-detached dwelling with a part single/part two storey side extension, single storey rear extension and a partially constructed garage at the side.
10. It is located in a mature well-established residential cul-de-sac, typically characterised by detached and semi-detached properties set back from the road behind a front garden/driveway. A number of the dwellings have single storey rear and side extensions and garages of varying styles and designs that generally appear as clearly subordinate to the dwellings. A single storey garage associated with the adjacent property is situated immediately along the north-western side boundary of the site set back from the road behind a driveway.
11. The proposal would entail the construction of a garage at the side and a single storey pitched roof extension at the rear. The proposed garage would extend across the full width of the house with a dual pitched gabled roof and would project out by about 4.1m from the side elevation of the property.

12. The appeal property is on a relatively spacious plot and as such the extensions would not appear overlarge, relative to the overall plot size. Given the site's location, the proposed garage would only be visible over short distances when passing the site and would be seen in the context of the current varied architectural styles of the existing extensions and alterations at the appeal property and the surrounding properties, including the single storey garage immediately along the north-western boundary of the site.
13. Against this backdrop, the scale, form and design of the proposed garage, would not appear significantly out of place or excessive in relation to the built form of the host property and the adjacent properties. The modest overall scale and proportions of the new garage, together with the use of matching materials and fenestrations would ensure the proposal would sit relatively unobtrusively against the two storey form of the main property. The proposal would therefore achieve an appropriate degree of subordination to the host property and as such would limit any significant adverse impacts on the street scene.
14. Consequently, I conclude that the proposal would not result in harm to the character and appearance of the host property and the area. It would be consistent with Policies LLP1, LLP19 and LLP25 of the LP which, amongst other things, require development proposals, including extensions, to be of a high quality design that improve or enhance the distinctiveness and character of the area. In addition, the proposal would accord with the Framework that developments should seek to secure a high quality of design (paragraph 126) that are sympathetic to the local character (paragraph 130).

Other Matters

15. I note the appellant's comments regarding the various benefits arising from the proposal including the scheme's high quality design and the provision of two off-street parking spaces within the curtilage of the proposed development. While I have given them some weight, these benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

16. Notwithstanding my findings on the lack of significant harm to the character and appearance of the host property and the area, this is significantly outweighed by the harm found regarding highway safety. The proposal would conflict with the development plan taken as a whole. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR