



Appeal Decision

Site visit made on 22 June 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2021

Appeal Ref: APP/B0230/W/21/3268076 30 Stanmore Crescent, Luton LU3 2RJ

- 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 Jason Munchin against the decision of Luton Council.
 - The application Ref 20/01469/FUL, dated 23 November 2020, was refused by notice dated 12 January 2021.
 - The development proposed is described as: 'New dwelling, erection of two-storey three bed house'.
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Decision

1. The appeal is allowed and planning permission is granted for new dwelling, erection of two-storey three bed house at 30 Stanmore Crescent, Luton LU3 2RJ in accordance with the terms of the application Ref 20/01469/FUL, dated 23 November 2020, and the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be undertaken in accordance with the following approved plans: Sheet 5 of 6 - Site Location & Block Plan, Sheet 1 of 6 - Proposed Site Plan, Sheet 2 of 6 - Proposed floor plans and Elevations, Sheet 3 of 6 - Existing and proposed front street scenes and Sheet 4 of 6 - Existing and proposed side street scenes.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used at the existing property (30 Stanmore Crescent).
 - 4) The existing tree and hedge as shown within the plot for the dwelling hereby approved on 'Sheet 1 of 6 - Proposed Site Plan' shall be maintained for the life of the development.

Preliminary Matter

2. Since the appeal was lodged, a revised version of the National Planning Policy Framework, 2021 ('the Framework, 2021') has been released. The main parties have been consulted on this and I have taken this into account where relevant to my Decision.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and whether the proposed dwelling would offer satisfactory accommodation for its occupiers.

Reasons

Character and appearance

4. The appeal site forms part of a wider housing estate. Dwellings nearby are primarily arranged in pairs but also include a number of detached properties in a range of scales and styles, located within plots of various sizes. The dwellings on the estate are generally set back from the road with some variations to the building line. For example, the bungalow at 1 Stanmore Crescent, occupying a corner plot steps considerably forward of the building line and despite incorporating an open frontage has a strong presence in the street scene. Other corner plots are generally secured by boundary treatments and do not particularly contribute to the spacious character of the area, which is mainly derived from the open frontages to properties. Nevertheless, together these factors give the area a varied character and appearance.
5. Despite the appeal property occupying a corner plot, the area proposed for the development is of a modest size and is occupied by outbuildings. It is also, in part, enclosed by boundary treatments. As such, it does not particularly contribute to the spaciousness of the area.
6. The proposed dwelling has been designed so that its overall form, fenestration arrangement and external materials reflect the host property. The new dwelling would be sited to the side of the host property, incorporating a slightly lower ridge height. These design considerations, along with its narrower footprint and slight setback from the host property, would enable it to assimilate within the immediate street scene and complement the varied built forms in the area.
7. The proposal would bring development closer to the highway along the side of the appeal site. Nevertheless, it would still be set back from the extent of the existing boundary treatments. Also, there is already some variation to the building line along here, including a sizeable side extension to a dwelling, which extends close to the highway. Furthermore, the geometry of the adjacent highway is not straight, and the proposed dwelling would be afforded an appreciable degree of separation from the nearest property to the east. Together, these factors along with the above design considerations would mitigate any effects of introducing a dwelling closer to the highway.
8. Therefore, whilst a new dwelling would bring some change to the immediate street scene, in light of the above reasons, it would not unacceptably harm the character and appearance of the area. Consequently, there would be no conflict with the design aims of Policies LLP1 and LLP25 of the Luton Local Plan 2011-2031 ('LP') which collectively seek to secure high quality design in developments that respond to and enhance the character of the area.

Living conditions

9. In considering the quality of the proposed accommodation, the Council have referred to the Technical housing standards – nationally described space standards (NDSS) there is no local planning policy that makes a direct link to

these technical standards. They are therefore for guidance only, and I have applied them accordingly.

10. Although the proposed dwelling has been designed and described as a three-bedroom unit, the floor space of one of these bedrooms would fall significantly short of the above-mentioned standards. In practice, this would mean that this room would only be able to accommodate a bed with limited or no circulation space and no room for any additional furniture or storage. Therefore, it is more likely to be used as a spare room, study or office. Notwithstanding this, the two other bedrooms would meet the above standards and the property could still function as a 3 person, two-bedroom family unit. This, along with the open plan ground floor living area and its generous outdoor amenity space, would afford its occupiers with a spacious and satisfactory quality of accommodation.
11. The proposal therefore accords with Policies LLP1, LLP15 and LLP25 of the LP, which amongst other things seek to create high quality and healthy places, which do not result in the over-intensification of the site.

Conditions

12. Having regard to the tests in the Framework, 2021 and the advice in the Planning Practice Guidance, in addition to the standard timescale condition, I have imposed a condition specifying the relevant plans as this provides certainty. A condition relating to proposed materials is necessary in the interests of the appearance and finish of the development. I have also specified a condition requiring the retention of the existing landscaping as this would complement the proposed development.
13. With respect to the Council's highways engineer's suggestion for the submission of a construction management plan, given the modest scale of the proposal (single dwelling) I do not consider that this is necessary.

Conclusion

14. For the above reason, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR