



Appeal Decision

Site visit made on 8 June 2021 by Thomas Courtney BA(Hons) MA

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/B0230/W/20/3265089

279 Ashcroft Road, Luton, LU2 9AA

- 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 Mehra against the decision of Luton Borough Council.
 - The application Ref 20/00766/FUL, dated 3 July 2020, was refused by notice dated 5 October 2020.
 - The development proposed is the erection of two detached bungalows at land to rear of 279-285 Ashcroft Road.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two detached bungalows at 279 Ashcroft Road, Luton, LU2 9AA, in accordance with the terms of application Ref 20/00766/FUL, dated 3 July 2020 and subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: Drawing Nos. 1448-01, 1448-03, 1448-04, 1448-05, 1448-06, 1448-07, 1448-08, 1448-09 and 1448-10.
 - 3) Development shall not take place until details of the junction between the proposed service road and the highway shall have been submitted to and approved in writing by the local planning authority; and the development shall not be occupied until that junction has been constructed in accordance with the approved details. The junction shall thereafter be retained.
 - 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
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- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons for the Recommendation

4. The appeal site comprises a parcel of land located to the rear of Nos. 279-285 Ashcroft Road. The square-shaped plot is accessed via a driveway between No.281 and No.283. The site is gravelled and features several horticultural polytunnels, a fenced chicken coop and an outbuilding used for domestic storage. I also observed several parked vehicles and stored construction materials. The surrounding area is characterised mostly by semi-detached two-storey properties with long narrow rear gardens although there are also a number of bungalows in the vicinity, particularly to the east of the appeal site.
5. A previous scheme for the erection of three 3-bedroom chalet bungalows was refused and dismissed at appeal in 2018 (ref. APP/B/0230/W/18/3218825). Whilst the Council considers that the current proposal for two bungalows would similarly erode the sense of spaciousness at the rear and be unsympathetic with the pre-dominant form of development within the area, I disagree and find that the proposed dwellings would not adversely affect their surroundings.
6. The proposed bungalows would appear relatively modest given their single-storey height and they would be sufficiently distanced from each other and offer a decent amount of garden space. I also observed that the site in its actual state no longer appears as open garden space as it has been levelled and surfaced with gravel and utilised for parking and ad-hoc gardening. Nevertheless, I do not regard that the site would appear over-developed or that there would be a significant and unacceptable reduction in spaciousness to the rear.
7. Although I acknowledge the pre-dominant form of housing in the vicinity is semi-detached and double-storey, I also observed bungalows on Ashcroft Road. The proposed bungalows would therefore not appear incongruous in this context. Furthermore, there is other development set at depth in the surrounding area such as at Byron Close to the east of the site which is also accessed off Ashcroft Road. The proposed bungalows would integrate with the existing built environment adequately within this space and, in contrast to the previous scheme for three chalet bungalows, they would maintain a discreet profile in light of their limited height. I find the site therefore lends itself well to modest low-density infill housing which would contribute to the identified

requirements within the Luton Housing Market Area (LHMA) set out within the Strategic Housing Market Assessment (SHMA).

8. Given the above, I therefore find the proposal would not result in an incongruous and over-intensive form of development. It would not unacceptably harm the character and appearance of the surrounding area. I therefore consider that the proposed development would conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan and the National Planning Policy Framework (NPPF) which together seek to ensure proposals are designed to the highest standard and respect local context.

Other Matters

9. I note the neighbours' concerns regarding the impact of the development on their living conditions, with Nos. 277 & 287 having rear gardens bordering the appeal site. Having had regard to the positions and orientations of these properties, I concur with the Council that the proposal would not significantly and unacceptably result in a loss of privacy, outlook or light to the occupants of Nos. 277 and 287 Ashcroft Road. The proposed bungalows are not excessively sized and would not over dominate the neighbouring dwellings due to the considerable separation distances, nor would they have an overbearing impact when viewed from the neighbouring gardens. The neighbouring occupants would still enjoy an open outlook over the rear gardens.
10. Whilst the proposal would in all probability result in a slight increase in vehicular movements, it is not considered that there would be any significant or adverse disruption to neighbours' living conditions, having regard to noise and disturbance. I have also noted the proposed access off Ashcroft Road located close to the junction with Yeovil Road and opposite a bus stop. Nevertheless, a safe and adequate access is achievable and would not endanger highway safety. A suitable condition has been imposed to secure details of the access between the proposed service road and the highway.

Conditions

11. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty. I have also included a condition requiring the submission of details of the junction between the proposed service road and the highway in order to protect highway safety. Furthermore, I have imposed a condition requiring the submission of a Construction Method Statement so as to minimise the impact of the construction work on the neighbouring occupants.

Recommendation

12. The proposal would not adversely impact the character and appearance of the area, and would contribute towards the identified need of the LHMA for which I have attached further weight in support of the proposal. Overall, the development accords with the development plan taken as a whole. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Martin Seaton

INSPECTOR