
Appeal Decision

Site visit made on 23 September 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2021.

Appeal Ref: APP/B0230/D/21/3276395

8 Blenheim Crescent, Luton LU3 1HA

- 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 A Shaffi against the decision of Luton Borough Council.
 - The application Ref 21/00231/FULHH, dated 15 February 2021, was refused by notice dated 12 April 2021.
 - The development proposed is the conversion of the existing carport /store into a one bed annex ancillary to the main dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the existing carport /store into a one bed annex ancillary to the main dwelling at 8 Blenheim Crescent, Luton LU3 1HA in accordance with the terms of the application, Ref 21/00231/FULHH, dated 15 February 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: ATK/20/AS/TP1, ATK/20/AS/TP2
 - 3) The external finishes of the development hereby permitted shall match in material and colour those of the existing dwelling.
 - 4) The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 8 Blenheim Crescent.

Main Issues

2. The main issues are the effect of the proposal on (a) the character and appearance of the area; and (b) highway safety.

Reasons

Character and appearance

3. The appeal site relates to a two-storey dwelling occupying a corner plot on the junction between Blenheim Crescent and Argyll Avenue. There is a medical centre on the opposite corner of the junction, with the remainder of the local area being predominantly residential in nature.

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4. There is a detached carport/storage area at the rear of the appeal property, with a vehicular access to Arygyll Avenue. The structure is sited behind a brick wall and metal gates to the front, such that only the pitched roof is fully evident from the public highway. The proposal is to convert the building into a one-bedroom annex that would be ancillary to the main dwelling.
 5. The existing element is of no specific architectural quality, and being screened by the wall and gates has no particular prominence within the context of the streetscene. The scheme would simply enclose the ground floor; there would be no change in the height or footprint of the building. To my mind, the development would be of a domestic scale and appearance that would harmonise with its surroundings, and as such there would be no material harm to the character of the area.
 6. The Council is concerned that the annex could be used separately from the main dwelling, and that this would result in an over-intensive residential use of the site. However, given the small scale of the proposed unit and its close proximity to the house, I consider that any additional on-site activity would not be significant within the context of the high-density, urban setting. I am satisfied that the imposition of a condition to limit the use of the annex to purposes ancillary to the occupation of the main property would satisfactorily address this matter.
 7. I conclude that the proposal would not cause an adverse effect on the character and appearance of the area. Consequently it would comply with the requirements of policies LLP1, LLP19 and LLP25 of the Luton Local Plan November 2017 (LP), which seek to ensure proposals relate to surrounding development, meet high standards of design and protect the character of an area. The appeal scheme would also be consistent with the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development.

Highway safety

8. The appeal proposal would result in the loss of the two parking spaces within the car port. Nevertheless, the block plan indicates that space would remain available within the residential curtilage for a vehicle to be parked between the metal gates and the front wall of the converted building.
9. I observed during my site visit that the area is a dense residential environment with high levels of on-street parking. Nevertheless, at the time of my visit on a Thursday morning, many on-street parking spaces were available close to the appeal site. Whilst I appreciate that this is only a snap shot in time, it is an indication that on-street parking is not difficult to achieve at certain times of day. Although there are stretches of single yellow lines in the locale, I note that there are no other restrictions by way of permits, time limits or a pay and display regime.
10. Based upon the evidence before me and my observations, I do not consider that the area suffers from undue parking stress and the scheme would be acceptable in this respect. There is sufficient on-street parking capacity to accommodate the demand arising from the development, without significantly worsening the existing parking situation close to the site and in surrounding streets.
11. I therefore conclude that there would be no undue detriment with regard to highway safety. The appeal proposal would accord with policies LLP31 and

LLP32 concerning parking provision and traffic generation. The proposal is also consistent with the advice the National Planning Policy Framework which seeks to ensure that development does not have an unacceptable impact on highway safety.

Conditions

12. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. In addition to the standard implementation condition, a condition requiring the development to be carried out in accordance with the submitted drawings is reasonable and necessary for the avoidance of doubt and in the interests of proper planning. A condition requiring external materials to match those on the existing dwelling would provide for a satisfactory appearance, and another restricting the use of the building would ensure the unit is retained for purposes ancillary to the residential use of the main dwelling.

Conclusion

13. Having regard to all matters raised, I conclude that the appeal should be allowed.

C Hall

INSPECTOR