
Appeal Decision

Site visit made on 18 October 2021

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2021

Appeal Ref: APP/B0230/W/21/3274808

193 Leagrave High Street, Luton, LU4 0NA

- 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 Hussain against the decision of Luton Council.
 - The application Ref. 20/01496/FUL, dated 28 November 2020, was refused by notice dated 29 January 2021.
 - The development proposed is the erection of a 3-bedroom dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 3-bedroom dwelling house at 193 Leagrave High Street, Luton, LU4 0NA, in accordance with the terms of the application, Ref 20/01496/FUL, dated 28 November 2020, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Background

3. The appeal site comprises part of the side garden of a two storey semi-detached house which mostly faces Imberfield although the garden lies alongside the main road of Leagrave High Street. The surrounding area is mainly residential in character with a variety of house types. It is proposed to add an attached dwelling to the flank of the property of a similar design and proportions to the existing house, in effect making a short terrace.

Effect on character and appearance

4. As the site lies on the corner of two roads the proposal has to be considered in relation to both street-scenes. In respect of Imberfield, most of the properties here are semi-detached but many of them have been extended and there is some variety in the building form and bulk. I am satisfied that the additional dwelling proposed would not appear out of place in visual terms in the overall character of the street scene.
5. In relation to the elevation along Leagrave High Street the appellant refers to the addition added to the property No. 195 on the opposite corner plot. This addition projects to the side of the property but there is still a reasonable gap

to the wall along the building frontage. On the other (eastern) side of the appeal site there are two bungalows set back from the frontage and beyond that there is a belt of mature trees that front the main road.

6. The proposed dwelling would extend out towards the street beyond the general 'building line' loosely formed by the immediately adjacent properties of No.195 and the bungalows. However, in townscape terms this siting would not result in the form of the additional building bulk being too prominent. In views along Leagrave High Street from the west the new dwelling would be seen against the backdrop of the belt of trees rather than the bungalows, and the mature tree and grassed area in the highway verge would maintain the relatively open and verdant aspect. Viewed from the east the proposed house would relate well to the existing form of the extended No.195.
7. Overall on this issue I find that the proposed house would improve or maintain the character and the appearance of the area and would not harm it. The new house would not be visually imposing on this corner site as the Council alleges. I am satisfied that the proposal meets the requirements of Luton Local Plan Policy LLP1 which carries a presumption in favour of sustainable development where the development preserves or improves the character of the area. Neither would the proposal result in an over-intensification of the site as referred to in Policy LLP1 as a reasonable level of amenity space is provided for the new and existing dwellings. The proposal would also meet the provisions of Policy LLP25 concerning a high quality design as it is based on similar design factors as the existing dwelling.

Other matters

8. The Council does not raise access or parking issues but I have taken account of the concerns expressed by a local resident, including the photographs submitted, about on-street parking taking place around the site and the junction. At the moment there are no parking facilities for the existing property of No.193 off Imberfield and there are double line parking restrictions around the junction and single line restrictions on the rest of the street. The proposal involves the creation of three spaces in the garden facing Imberfield and there is one existing space facing Leagrave High Street located at the end of the garden. Both the new house and the existing one would therefore have appropriate provision for off-street parking. Given this and the on-street parking restrictions that apply there is little evidence to suggest that the proposal would make an existing parking issue worse. Moreover, I note that the highway authority do not object to the proposal. I conclude that the proposal would not have a harmful effect on highway safety.

Planning balance

9. On the main issue I have found that the circumstances of the site are such that the proposed new dwelling on the flank of the existing 'semi' would not harm the character or appearance of the street scenes of Imberfield or Leagrave High Street, and would accord with the relevant policies in the development plan.
10. In terms of other considerations the National Planning Policy Framework (2021) indicates in paragraph 124 that planning decisions should support development that makes efficient use of land whilst maintaining an area's prevailing character. I am satisfied that the proposal would help achieve this in a

sustainable location already well developed, as well as achieving a well-designed place. This adds weight to my conclusion on the main issue.

11. Overall the accord with the development plan is not outweighed by any another considerations and this indicates that the development should be permitted.

Conditions

12. The Council recommends 10 conditions on any permission which I will consider under the same numbering. In addition to the condition regulating the commencement of the development (No.1) it is reasonable to impose a condition specifying the plans that are approved and the development must be carried out in accordance with them. In order to maintain the character and appearance of the area it is necessary for further details to be submitted and agreed for boundary treatment (No.3) and landscaping (No.8) and the external materials need to match the existing dwelling (No.4). For similar reasons the space shown for bins should be kept available for this purpose (No.6).
13. Moreover in the interests of highway safety and to restrict on-street parking close to the junction it is necessary to impose conditions No.s 2, 7 and 9 together with the submission and agreement of an appropriate Construction Method Statement to minimise the impact of carrying out the development (No.10)
14. Finally the Council recommend a condition (No.5) stating that the development shall only be used as a single dwelling house (ClassC3) but that is what is applied for and no special justification has been put forward to remove subsequent 'permitted development' rights on a conversion to other uses. Therefore, this condition is unnecessary and I will not impose it.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

David Murray

INSPECTOR

Schedule of 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 only be carried out in accordance with the approved plans and specifications as set out on plan numbers 1/03 - Existing Floor Plans & Elevations, 02/03 - Proposed Plans & Elevations and 03/03 - Site Location & Block Plan.
- 3) Details of the surfacing and drainage of any parking service area hereby approved shall be submitted to in writing to the Local Planning Authority for approval before any ground works commence. The details thereby approved shall be installed prior to the occupation of any building on the site.
- 4) Prior to first occupation of the development hereby permitted, full details of the boundary treatment of the site shall be submitted in writing to the Local Planning Authority for approval. Those approved details shall be installed prior to the first occupation of the development and retained thereafter.
- 5) The external materials used in the construction of the development hereby permitted shall be the same colour, texture and design as the external materials used on the adjoining building No. 193 Leagrave High Street.
- 6) The refuse bins for the proposed development shall be stored at all times in the designated refuse storage area as shown on the approved plan no. 02/03 – Proposed Plans & Elevations.
- 7) The car parking area for the development, as identified on the approved plan/document No. 02/03 – Proposed Plans & Elevations shall be laid out and ready for use prior to the occupation of the development hereby permitted.
- 8) Prior to first occupation of the development hereby permitted, full details of hard and soft landscaping shall be submitted in writing to the Local Planning Authority for approval. Those approved details shall be implemented prior to first occupation of the development and retained thereafter for so long as it remains in existence.
- 9) Notwithstanding the submitted plans, triangular pedestrian safety visibility splay(s) of 1.8 metres x 1.8 metres shall be provided on either side of the new access. The splay(s) shall be positioned within the site at right angles to the highway (measured at the highway/site boundary). The visibility splay(s) so described shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the existing ground level.
- 10) No development, including any works of demolition, shall take place until a Construction Method Statement (CMS) has been submitted in writing to the Local Planning Authority for approval. The approved Statement shall be adhered to throughout the demolition/construction period. The Statement shall provide for:

- (i) Operating hours: No demolition, construction or contaminated land remediation activities, movement of traffic, or deliveries to and from the premises, shall occur other than within the hours agreed with the Local Planning Authority. Any proposed extension to these agreed hours, other than for emergency works, shall be agreed with the Local Planning Authority before work commences;
- (ii) the parking of vehicles of site operatives and visitors;
- (iii) a dilapidation survey demonstrating the condition of the highway, inclusive of crossovers, kerbs and pedestrian footways, prior to the commencement of demolition and construction to be used for comparison following the completion of works and first operation of the development;
- (iv) loading and unloading of plant and materials;
- (v) storage of plant and materials used in constructing the development;
- (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (vii) wheel washing facilities;
- (viii) measures to, where appropriate, manage the safe removal and disposal of asbestos material;
- (ix) measures to control the emission of dust and dirt during construction; and
- (x) a scheme for recycling/disposing of waste resulting from demolition and construction works.