



Appeal Decision

Site Visit made on 26 October 2021 by Emma Grierson BSc (Hons) MSc MRPTI

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2021

Appeal Ref: APP/B0230/W/21/3277932

35 Kirkwood Road, Luton LU4 0QS

- 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 K. Hussain against the decision of Luton Borough Council.
 - The application Ref 21/00340/FUL, dated 8 March 2021, was refused by notice dated 30 April 2021.
 - The development proposed is the sub-division of existing site and construction of a new detached dwelling.
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Decision

1. The appeal is dismissed.

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.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (Framework). Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that the parties have not made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to them.

Main Issue

4. The main issue in the appeal is the effect of the proposed development on the character and appearance of the appeal site and surrounding area.

Reasons for the Recommendation

5. The appeal site is occupied by a two-storey semi-detached dwelling on the corner of Kirkwood Road and Amhurst Road. The property has a large garden space to the front, side and rear of the dwelling which contributes positively to the spacious character of the site and the streetscene. The surrounding area is residential in nature with a suburban character largely made up of brick-built terrace and semi-detached dwellings of a similar appearance.

6. The proposed development is a two-storey detached dwelling to the side of the existing property and includes the sub-division of the site providing separate access and parking provision. Planning permission was previously granted¹ for a two-storey dwelling adjoining the appeal property, creating a terrace of three dwellings. The consented scheme followed the form of the existing dwellings with a hipped roof parallel to the front elevation of the building. However, this was not implemented and planning permission has now lapsed.
7. The proposed house would be sited close to Amhurst Road. Consequently the size and mass of the building would considerably erode the sense of spaciousness which this corner plot currently benefits from. The building itself would not appear larger than the neighbouring building which accommodates two semi-detached properties, or any others within the area, and would be similar in height. However, the detached nature would be out of keeping with the prevalent form of development in the area which would result in an overly prominent addition in the streetscene, particularly on this highly visible corner plot. This would be exacerbated by the projection of the dwelling beyond the building lines of dwellings on both Amhurst Road and Kirkwood Road.
8. The roof would have a front gable facing Kirkwood Road. This would conflict with most other properties in the area where the hip runs parallel to the road. Although front facing gables are seen on the adjacent corner plot, they form part of a terrace and therefore are less dominant than the proposed detached dwelling. Although intended to articulate the corner plot, this design feature would increase the proposals incongruous nature, to the detriment of the character and appearance of the locality.
9. For the reasons above, I conclude that the proposal would have a harmful impact on the character and appearance of the appeal site and the surrounding area and therefore would be contrary to Policies LLP1, LLP15 and LLP25 of the Luton Local Plan (2017). These policies collectively require that development proposals enhance the local character of the area by responding positively to the townscape, streetscene, site and building context and do not result in over-intensification of the site. It would also be contrary to the design objectives of the National Planning Policy Framework.

Other Matters

10. It is noted that the Council did not contact the appellant to resolve any issues prior to issuing the decision. However, this does not alter the planning merits of the proposed scheme and has no bearing on my consideration of the appeal.

Conclusion and Recommendation

11. The Council have found that the proposal would have no impact on the living conditions of the neighbouring occupiers and received no objections from the Council's Highways department. These factors would be neutral in any planning balance.
12. The proposal would provide one additional dwelling within an existing residential area which would make use of the existing infrastructure. The appellant also states that the proposal would aid the findings in the Strategic Housing Land Availability Assessment (SHLAA) which identify an over delivery of one-bedroom properties and an under delivery of others. Furthermore, the

¹ Reference 08/00201/FUL (the consented scheme)

appellant has highlighted a number of benefits from the proposed dwelling. These include reduced carbon emissions from energy and water efficiency, reduced crime from increased surveillance, contributions to the economy, the use of previously developed land for family accommodation and private garden space and internal space which exceeds the Council's requirements.

13. However, those benefits, even when taken together, would not be sufficient in my view to outweigh the conflict with the development plan as a whole and the significant harm to the character and appearance that I have identified. There are no persuasive material considerations in this case to indicate that the proposal should be determined other than in accordance with the development plan.
14. For the reasons given above and having had regard to all other matters raised I recommend that the appeal should be dismissed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

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

Zoe Raygen

INSPECTOR