



Appeal Decision

Site visit made on 14 December 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 December 2021

Appeal Ref: APP/B0230/W/21/3276329

4 Biscot Road, LUTON, LU3 1AT

- 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 M Alyas against the decision of Luton Borough Council.
 - The application Ref 21/00255/FUL, dated 18 February 2021, was refused by notice dated 14 April 2021.
 - The development proposed is erection of first floor extension to form a one bed flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, during the appeal process, the Government published its revised National Planning Policy Framework (the Framework). Both parties have had an opportunity to comment on the revisions where they may be relevant to the case, and any comments received have been taken into account in determining the appeal.

Main Issues

3. The main issues are:
 - a) the effect of the proposal upon the living conditions of the occupiers of Nos. 86-94 Cromwell Road, with particular regard to outlook and daylight,
 - b) the effect of the proposal upon the character and appearance of the area, and
 - c) whether the proposal would provide housing that would meet an identified need, with regard to local policy.

Reasons

Living conditions

4. The side of the appeal site faces towards the rear gardens and rear aspects of Nos. 86-94 Cromwell Road. These dwellings are terraced. They occupy narrow plots with small rear gardens. The gardens face north-northwest. They are partly shaded by the existing dwellings, including their rearward extensions. However, they are reasonably private, secure, away from the road and receive good levels of daylight from the east and west. In an area that is densely developed, they provide valuable private outdoor space to the occupants of these dwellings.

5. At my visit to the site I saw that most of these gardens were not well used. However, it was clear that one was enjoyed, as evidenced by garden furniture, planting and other domestic paraphernalia. Notwithstanding this, even without this example, the lack of use of other gardens here is more likely to be out of a choice rather than as a result of any inherent deficiencies in their current layout or position.
6. The existing lean-to building at the appeal site faces towards the rear gardens and is separated from their rear boundaries by a narrow passageway. Owing to its single storey scale it does not currently harm the outlook from the gardens. The proposal would see this lean-to extended upwards across most of its length. A largely blank gable would form the bulk of the addition, with a two storey lean-to at the rear. This extension would dominate the adjoining rear gardens, owing to its height, width and largely blank appearance. It would cause the garden spaces to feel significantly hemmed in, much more so than they are currently, and would make them much less attractive to use.
7. The proposal would also have an adverse impact on the outlook from the rear windows of these dwellings; particularly those habitable rooms that face out from existing rear extensions where they would be very close to the expansive side wall of the proposal.
8. The north-northwest alignment of the proposal relative to the gardens means that there would also be an impact on direct sunlight reaching the gardens on a summers evening. This is likely to be the time when these outside spaces would be most useful and attractive to the residents of these dwellings. Although this impact would be more modest and would only be felt for part of the year, it would add to the proposal's harmful impact on outlook.
9. I note that there are large outdoor public spaces nearby that would be useful to residents. These would provide valuable recreational opportunity for occupants of the proposed dwelling, which would be without any private outdoor space. However, these spaces would not be sufficient to offset the harm to existing established garden areas, which serve family homes, are capable of being well utilised, and provide a different function to a public park.
10. In summary, the proposal would cause significant harm to the living conditions of the occupiers of Nos. 86 – 94 Cromwell Road. It would thus not accord with Policies LLP1 and LLP25 of the Local Luton Plan 2011-2031 (LLP), insofar as they seek to ensure that development proposals are of a high quality of design that minimises neighbour impacts.

Character and appearance

11. The appeal site is located in a tightly developed residential area. Plots are generally narrow with many dwellings arranged in terraces. Gaps in built form are largely limited to road junctions.
12. The proposal would not extend the footprint of the existing building. The airspace above the existing lean-to does not appear to be of any particular value to the character or appearance of the area and could not be considered to contribute to a sense of spaciousness. A gap at first floor level would be retained between the proposed extension and the back of the two storey terraced building fronting Cromwell Road, retaining the spacing and layout of the existing buildings. The proposal would extend the form of the existing

building in a manner that would allow the original form of the adjacent two storey building to be easily appreciated.

13. In summary, the proposal would not harm the character or appearance of the area. It would accord with Policies LLP1, LLP15 and LLP25 of the LLP insofar as they seek to ensure that new development is designed to a high quality that does not result in an over-intensification of the site.

Housing need

14. Policy LLP15 of the LLP relates to housing provision within the Borough, and seeks to ensure that housing delivered reflects the identified housing need requirements for the area. The Council advises that there is an over provision of one bedroom units. The last part of the Policy establishes that development should achieve a mix of different housing sizes. The Policy would appear to be geared primarily towards larger developments.
15. The proposal is for a small one bedroom unit. It would not be possible to deliver anything larger at the appeal site. The proposal would accord with part B of the Policy, as the proposal would not lead to a loss of other uses.
16. Although the proposal would not deliver a larger unit for which there is an identified local need, or a mix of dwelling sizes, it could take no other form owing to the constraints of the site. The proposal would however deliver a new dwelling, which would provide a modest contribution to the provision of housing in the borough and would thus accord with Policy LLP15 insofar as it relates to a proposal for a single dwelling.

Conclusion

17. I have found that the proposal would not harm the character or appearance of the area, and I am satisfied that it accords with Policy LLP15 insofar as it relates to the delivery of a single dwelling. The proposal would deliver a small flat in a location with good access to nearby services and facilities. However, these matters are not sufficient to outweigh the significant level of harm I have identified in relation to the proposal's impact on the living conditions of the occupiers of the neighbouring dwellings.
18. In conclusion, the proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR