



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: 13 January 2022

Appeal Ref: APP/B0230/W/21/3276606

land rear of 225 to 227 Turners Road North, Luton, LU2 9AH

- 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 Danny Taylor against the decision of Luton Borough Council.
 - The application Ref 21/00351/FUL, dated 10 March 2021, was refused by notice dated 19 May 2021.
 - The development proposed is erection of two bed detached bungalow.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of two bed detached bungalow at land rear of 225 to 227 Turners Road North, Luton, LU2 9AH, in accordance with the terms of the application Ref 21/00351/FUL, dated 10 March 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. On 20 July 2021, after the Council made its decision, 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.
3. The text on some of the submitted plans refer to the proposal as a three bed bungalow. It is however clear from the detail of the proposed drawings and all the other submissions, including the description of the proposal entered on the application form, that the proposal is for a two bedroom bungalow. I am satisfied that I can proceed to determine the appeal on this basis, and in the event that the appeal is allowed there would be no ambiguity over what has been permitted.
4. I have used the appeal site address that the Council used on its decision notice as it is more accurate than the site address provided on the application form.

Main Issues

5. The main issues are:
 - a) the effect of the proposal upon the character and appearance of the area,
 - b) the effect of the proposal upon the living conditions of the occupiers of No. 2 Langford Drive and No. 3 Stronnell Close, with regard to outlook, privacy and disturbance,

- c) whether the proposal would secure adequate living conditions for future occupiers of the proposed dwelling, with regard to outlook, privacy and the provision of garden space, and
- d) the effect of the proposal on highway safety, with regard to the loss of the existing garage and the proposed parking layout.

Reasons

Character and appearance

- 6. The appeal site is located in a predominantly residential area. It is comprised of the end portion of two gardens to the rear of two dwellings that front Turners Road North. Dwellings fronting the main roads in the area are aligned uniformly to give strong road facing building lines. The dwellings at Stronnell Close, from which the appeal site would be accessed, are more loosely arranged. The appeal site is adjacent to a large workshop building and an existing bungalow that are both accessed from Stronnell Close. To the southwest of the site are two existing dwellings, Nos 2 and 4 Langford Drive, which sit behind the dwellings that front Langford Drive.
- 7. The proposed dwelling would relate to this existing cluster of development that stands away from the surrounding roads. It would be visible from Stronnell Close, where it would be seen in the context of the existing similarly sized bungalow. The existing bungalow faces Stronnell Close side on, and the proposed dwelling would be similarly positioned. It would thus not present itself as building that has been built directly behind another building, but would integrate comfortably with the spacing, layout, orientation, and scale of existing buildings.
- 8. 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 Local Luton Plan 2011-2031 (LLP) and the Framework, which amongst other things seek to ensure that new development is designed to a high quality that responds positively to site and building context.

Existing living conditions

- 9. The side elevation of the proposed dwelling would face towards the rear of No. 2 Langford Drive. The boundary between the two is a typical garden to garden boundary that limits most views between the areas of garden from ground level. Above the height of the existing fence views of the proposed building from this neighbour would be limited to a small upper area of wall and its side facing roof. Given that the proposed dwelling would be separated from the neighbouring dwelling by a good sized garden, I am satisfied that the introduction of the single storey dwelling would not be harmful to the outlook currently enjoyed by the occupiers of No. 2 Langford Drive.
- 10. The front of the proposed dwelling would face towards the side boundary of No. 3 Stronnell Close and its rear garden. It would however be set back from this boundary by an intervening parking area. Views into the neighbouring garden would be limited by the existing boundary and would be towards the side of the dwelling, which has limited openings at ground floor level. I am satisfied that the position of the proposed dwelling and its orientation would not cause harm to the living conditions of the occupiers of No. 3 Stronnell Close.

11. The proposal would introduce a small parking area to serve the dwelling, following the removal of the existing garage. Vehicles would be manoeuvred in and out of the space at low speed, owing to the modest size of the area and the short length of the driveway off Stronnell Close. The existing garage could be used currently for such purposes on a regular basis, and comments before me report of the current activities associated with the workshop building on the adjacent site.
12. Additional noise and odour from the movement of vehicles in and out of this area would be very modest over and above the level of existing activity. The use of the modest parking area would thus introduce only a very moderate level of additional activity to the site, and would not be sufficient to cause harm to the occupiers of dwellings adjoining the site.
13. The Council also refers to the impact on No. 4 Langford Drive. However, this dwelling is not aligned towards the appeal site. A small length of its rear boundary adjoins the appeal site, but in this location is occupied by a substantial outbuilding that separates this neighbour from the appeal site. I am thus satisfied that the proposal would have no impact on the occupiers of this dwelling.
14. In summary, the proposal would not harm the living conditions of the occupiers of No. 2 Langford Drive or No. 3 Stronnell Close. It would accord with Policies LLP1 and LLP25 of the LLP and the Framework, which together seek to ensure that development proposals minimise neighbour impacts.

Proposed living conditions

15. The existing workshop adjacent to the site is large, with a broad side elevation that faces over the site from the northeast. Much of this would however be concealed by the side elevation of the dwelling that would face in this direction. An opening would face out from the living room towards the workshop; however, this room would also benefit from generous openings facing out to the southeast, over the garden. This would give a pleasant south-easterly outlook from within this generous living space, and would provide good levels of daylight and sunlight. I am satisfied therefore that the presence of the existing workshop would not be harmful to the outlook of those occupying the proposed dwelling.
16. The proposed dwelling would be detached, with a narrow space to each side and a deeper area of garden provided at the rear. I accept that this area would be smaller than many of the neighbouring gardens, however it would have a good orientation to the southeast and would relate well to the layout of the dwelling. It would be without shade from neighbouring buildings in this direction, such that it would be a space that would benefit from good levels of daylight and sunlight. The area of this rear garden would accord with the space standards set out in Appendix 6 of the LLP for a dwelling of this size.
17. No. 2 Langford Drive has rear facing openings at first floor level that would face out towards the southwest side of the proposed rear garden. Views in this direction from the existing dwelling would only be side on and would not be towards the three rear openings serving the open plan living space. Furthermore, the proposed garden would extend away from this neighbouring dwelling, which is also set back behind its own good sized rear garden and would be partly screened by the existing substantial hedge that forms the

neighbour's southeast boundary. I am satisfied that this arrangement would be acceptable and would provide future users of the proposed garden with an acceptable level of privacy.

18. In summary, the proposal would secure adequate living conditions for future occupiers with regard to outlook, privacy and the provision of external space. It would accord with Policies LLP1 and LLP25 of the LLP and the Framework, which together seek to ensure that development proposals deliver good standards of amenity, including the provision of external space for future users.

Parking

19. The proposal would include the demolition of the existing garage serving No. 227 Turners Road North. Although unused for such purposes by the current owner, the existing garage provides space for the parking of a car off road. The existing dwelling is otherwise without off road parking.
20. Policy LLP32 sets out maximum parking standards for development, and seeks to ensure that sufficient parking should be provided to help ensure that adverse effects on highway safety and the convenience of nearby residents and users are avoided. I note that the consultation response from Highway Engineering anticipated no highway implications.
21. The evidence before me suggests that the current occupier of this dwelling chooses to park on the road in front of her house. At my visit I saw plenty of on road parking available locally on the wide road, which did not appear to present a hazard or inconvenience to other road users. On this basis I am satisfied that the loss of the garage building for parking would not have an adverse effect on highway safety or the convenience of other users of the highway.
22. The Council expresses concern that the parking area shown on the submitted plans would not be sufficient for two cars to turn around and leave in a forward gear. I appreciate that the plan is without any accurate details to demonstrate that cars could be turned within the site and driven off in a forward gear, however the wider part of the parking area would appear to be large enough to allow for this for most cars. Furthermore, the proposed layout would provide a wider area for turning than the current arrangement, where the existing garage opens onto a narrower space fronting the workshop where turning would be more difficult.
23. The Council also refers to the lack of separation between pedestrians and vehicles. The proposal is for a single dwelling that would be accessed off a short driveway that serves one other dwelling and a workshop. Vehicle movements along this driveway are likely to be very infrequent, and at low speed. I am satisfied that the proposed arrangement, whereby access for pedestrians and vehicles to the proposed dwelling would be across a shared surface, would not be unsafe.
24. In summary, The proposal would not harm highway safety. It would accord with Policies LLP31 and LLP32 of the LLP and the Framework, which together seek to ensure that development proposals are safe and ensure that adverse effects on highway safety and the convenience of nearby residents and users are avoided.

Other Matters

25. It is suggested that the security of existing garden boundaries would be reduced by the proposal. I appreciate that opening up part of the plot to form a parking area may lead to a perceived reduction in the level of security for the occupiers of neighbouring dwellings. However, boundaries to neighbouring dwellings would not be opened up directly to areas of public realm but would be similar to the current arrangement whereby they would be against the garden of another dwelling. Persons accessing these would need to pass across private land associated with the proposed dwelling to do so, an arrangement that would be typical of many residential areas. I am not satisfied that this change would cause actual harm or that this matter should weigh against the proposal.

Conditions

26. I have had regard to the planning conditions suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition specifying the approved plans as this provides certainty.
27. I have imposed a condition requiring the submission of a Construction Management Plan (CMP). This condition is necessary to safeguard the living conditions of the occupiers of nearby dwellings and to manage highways impacts during the construction phase. I have modified the wording of the CMP condition suggested by the Council to specifically limit on site working hours, owing to the close relationship of the site to neighbouring rear gardens. This condition needs to be pre-commencement to ensure that the measures are agreed and in place before work on site commences.
28. I have imposed a condition to require the submission of details of external materials to safeguard the character and appearance of the area.
29. I have imposed conditions relating to the provision of the parking area and its surface material and means of drainage, to ensure that adequate parking provision is provided and that it is properly drained.
30. I have imposed conditions relating to landscaping and boundary treatments. These are necessary to safeguard the character and appearance of the area and the living conditions of the occupiers of nearby dwellings.
31. The Council has suggested conditions to restrict permitted development rights for further development within the curtilage of the approved dwelling and any means of enclosure in front of the dwelling where it fronts the highway. The Council suggests that these are necessary to prevent an over intensive form of development in the interest of safeguarding the amenities of the surrounding area and living environment of adjoining occupiers.
32. Paragraph 54 of the Framework establishes that such conditions should only be used where they are clearly justified. Further development opportunity within the plot is limited and would in any case be modest in scale and unlikely to harm the local environs or the living conditions of nearby occupiers. The road facing aspect of the site is modest and is set well back from the road. It would be unlikely that a future occupier would choose to enclose it. I am therefore of the view that these conditions are not necessary or clearly justified.

33. The Council has also suggested a condition requiring visibility splays. The development relies on an existing access with a good level of visibility onto a secondary access road with a low number of vehicle movements and modest speeds. I am not satisfied that this condition is necessary.

Conclusion

34. For the reasons above, the appeal should be allowed.

A Tucker

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development shall be carried out in strict accordance with the following submitted plans: 20044-SA 00001, 20044-SA 00002, 20044-SA 00003, 20044-SA 00004, 20044-SA 00005, 20044-SA 00006, and 20044-SA 00007.
- 3) Prior to the commencement of any works of demolition or construction on site, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall set out the measures it will undertake to protect the environment and public highway, including managing the hours that demolition and construction work is undertaken.
- 4) Prior to the commencement of above ground works full details of the external materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.
- 5) Prior to the commencement of above ground works full details of the surfacing and drainage of the parking area as identified on the approved plan 20044-SA 00001 shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be in place prior to the first occupation of the development hereby approved and retained thereafter.
- 6) Prior to the first occupation of the development hereby approved the car parking and turning area as identified on the approved plan 20044-SA 00001 shall be laid out and ready for use and shall be retained for such purposes thereafter.
- 7) Prior to the first occupation of the development hereby approved full details of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all hard surfacing materials including driveways, manoeuvring and parking areas, planting plans (including tree planting). The agreed details shall be implemented prior to first occupation of the development and retained thereafter.
- 8) Prior to the first occupation of the development hereby approved details of the proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to first occupation of the development and retained thereafter.