



Appeal Decision

Site visit made on 14 December 2021

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19TH January 2022

Appeal Ref: APP/B0230/W/21/3279098
125 Sundon Park Road, Luton LU3 3AD

- 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 Raheel Sarwar against the decision of the Council of the Borough of Luton.
 - The application Ref 21/00442/FULHH, dated 27 March 2021, was refused by notice dated 4 June 2021.
 - The development proposed is the construction of a vehicle crossover to facilitate front driveway parking.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Raheel Sarwar against the Council of the Borough of Luton. This application is the subject of a separate decision.

Preliminary Matter

3. As the appeal form succinctly describes the proposal, I have taken the description from there, but have omitted the reason why planning permission is required, as that is not an act of development. However, I have considered the additional information provided at part 4 of the application form.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the safety and convenience of highway users.

Reasons

Character and appearance

5. Sundon Park Road is a broad highway, with the buildings either side of it set well back from the carriageway, typically behind a grass verge and footway. The dwellings along the stretch of the road close to the appeal site are also mainly behind low walls and front gardens. Other than occasional pedestrian accesses, the wide grass verge from 99 to 159 (odds) Sundon Park Road is largely unbroken. This locally distinctive attribute makes a significant contribution to the area's character.

6. The proposal would result in a roughly 4.4m long and 3.8m wide section of the grass verge being hard surfaced to create a vehicular access. That would create a harsh visual environment which would jar with the verge's softer, landscaped appearance, and which, in this location next to the carriageway and the footpath, would be highly visible from public viewpoints. Given the contribution the largely continuous stretch of wide grass verge makes to the local distinctiveness of this part of Sundon Park Road, the scheme would be incongruous and would significantly harm the area's character and appearance.
7. The appellant has provided evidence, including screenshots and video recordings, of other parts of Sundon Park Road where there are frequent interruptions to the grass verge due to the presence of crossovers, often despite the presence of a rear access. However, those examples, such as between Nos 27 and 85 (odds), 106 and 128 (evens), and Nos 308 and 402 (evens), are a little way from this site, and do not justify the harm that would be caused here. That includes No 110, on the other side of the road, where planning permission was recently granted for a crossover and hardstanding.
8. Those examples, along with the refused planning permission for a crossover very nearby at No 131, do however support the Council's view that, should this appeal be allowed, it could set a precedent for crossovers along this stretch of the road, which would cumulatively erode its character.
9. Although Poynters Road, Leagrave High Street and Toddington Road, also have some driveways which interrupt the grass verge, they are a significant distance from this site, and do not justify the harm that would be caused to this streetscene.
10. Policy LLP19 of the Local Luton Plan 2011-2031 (2017) ('LP'), which addresses house extensions and annexes, is of little relevance to this scheme. However, collectively, and amongst other things, LP Policies LLP1 and LLP25 apply a presumption in favour of sustainable development which includes a requirement for development to contribute to, or enhance, a sense of place; improve the character of the area; and respond positively to the streetscene. Additionally, Policy LLP31 which promotes sustainable transport, and which is referred to by the appellant, supports development proposals where, amongst other things, the quality of the local environment is not compromised.
11. Section 12 of the National Planning Policy Framework ('Framework') takes a broadly similar approach to achieving well-designed places; as does the National Design Guide 2021 ('NDG') which, whilst encouraging convenient car parking at home, also sets out the importance of context, the streetscene, and the immediate surroundings. For the above reasons, the scheme would conflict with those policies and that guidance.

Highways

12. The proposed access would emerge onto this stretch of Sundon Park Road roughly opposite the access to a petrol filling station, which is close to a bus stop. However, the road is subject to a 30mph limit, and the amount of traffic generated by a single household would typically be very limited.
13. Additionally, given the set back of the host's hardsurfaced forecourt and the length of the proposed crossover, there would be space for emerging vehicles to wait free of the carriageway, with good views of the road, for an appropriate

gap in the traffic. The residents would also no doubt become accustomed to using the proposed crossover to safely access to and from the highway.

14. LP Policies LLP1 and LLP19, and Section 12 of the Framework, are of little relevance on this issue, but the scheme would not conflict with Policy LLP25's broad stance that spaces should be safely and conveniently accessed. Whilst the Council states that the rear access and parking area could be used instead, those policies do not require that a need for development be demonstrated.
15. The Highway Engineer did not object to the scheme, and for the above reasons, I also consider that it would not have a significantly harmful impact on the safety and convenience of highway users.

Other matters

16. The appellant sets out his need for parking at the front of the property given that both he and his wife have work-issued vehicles which must be kept within the confines of their property, and to enable them to commute to London. Consequently, whilst he is able to keep his car in the rear garage, his wife has to stay over in London when she is 'on call', and their personal vehicle has to be parked inconveniently on another road, where it has suffered dents and scratches, thus depreciating its value.
17. I also understand that soil and dust from use of the rear access aggravates his wife's medical condition, and that bringing family members with disabilities to visit is awkward and inconvenient given the absence of a suitable front parking space, and the steps between the house and the garage to the rear.
18. He has also pointed to security concerns on the poorly maintained rear access road, which are supported by police statistics of vehicle crime in the wider area, and photographs of criminal damage to his own car. Additionally, he has already spent money paving the property's forecourt.
19. However, although he states that the previous owner was refused planning permission for an extension to the rear garage to create a granny annexe, I have few details of that, and I cannot be certain that a scheme involving a garage extension or open parking for two cars to the rear, possibly with security lighting and CCTV, would be unacceptable.
20. That said, I acknowledge that the personal circumstances of the appellant and his wife, would be enhanced by the scheme. In that regard, as it would improve their quality of life, and would help meet the needs of different users, the scheme does find a measure of support from the Framework and the NDG; along with the LP, including those parts of its Policies LLP25 and LLP31 which promote flexibility to accommodate changing living and working requirements, and which promote opportunities to reduce safety risk, and to reduce crime and anti-social behaviour.
21. However, having regard to LP Policy LLP32, I have no cogent evidence that the property's existing parking arrangements have an adverse effect on highway safety, or on the convenience of nearby residents.
22. Finally, the appellant has detailed the research that he conducted prior to, and after, purchasing the property to ascertain whether a crossover would need planning permission. He understood from that evidence, including a

Homebuyers search and the title deeds, that it would not, as nowhere was it identified that Sundon Park Road was classified.

23. However, whilst I have considered that background, and his dissatisfaction with the Council's handling of the matter, which I will address further in the Costs Decision, this does not alter my findings regarding the proposal which I have dealt with on its planning merits.

Planning Balance and Conclusion

24. Summing up, whilst I have considered the personal circumstances in this case, and I recognise that the proposal would enhance the living conditions of the appellant and his wife, it would also significantly harm the character and appearance of the area. Whilst policies in the development plan and the Framework pull in different directions, those personal circumstances do not outweigh the significant harm that the scheme would cause; and it would conflict with the development plan when considered as a whole.
25. Consequently, having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR