



Appeal Decision

Site visit made on 19 January 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2022

Appeal Ref: APP/B0230/W/21/3278596

17 Capron Road, Luton LU4 9BU

- 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 Patel of Ashburnham Investment Management Ltd against the decision of Luton Borough Council.
 - The application Ref 21/00611/FUL, dated 29 April 2021, was refused by notice dated 24 June 2021.
 - The development proposed is erection of a two bedroom detached dwelling on land at the rear of 17 Capron Road.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a two bedroom detached on land at the rear of 17 Capron Road, Luton, LU4 9BU in accordance with the terms of the application, Ref 21/00611/FUL, dated 29 April 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A101 and A102.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the main building.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area, and the effect on the living conditions of the occupiers of Nos. 15, 17 and 19 with respect to their outlook.

Reasons

Character and appearance

3. The appeal site accommodates a semi-detached property in a street in which the houses display no overarching consistency in their design. Although most of the properties have back gardens which contain typical domestic outbuildings, there are a number of dwellings which have houses set behind them, as though positioned in the rear gardens, including at Nos. 2, 3 and 7. There is also a large commercial building to the rear of No. 9. The buildings to the rear of Nos. 7 and 9 are visible from the site and are visible from many of the other rear gardens on this side of Capron Road. The Council suggest that the houses to the rear of Nos. 2 and 7 are the original houses and it is the houses to their

front which are later additions, and that none of these were granted planning permission under the current policy framework. Nonetheless, the arrangement of houses set behind others, though not prolific, is an established part of the local character.

4. As a result, the proposed dwelling, which would be sited to the rear of No. 17, would not be out of character. It is recognised that the appeal site is substantially narrower, and therefore the proposed dwelling would be narrower, than the other backland buildings, and that it would almost fill the width of the plot. However, a substantial proportion of the plot would remain open and due to its single-storey height and overall modest scale, it would not appear cramped or over-intensive.
5. I have had regard to the previous appeal decision¹ for a dwelling to the rear of No.17. In that decision it was found that the development did not harm the character and appearance of the area. Although the building now proposed would be longer, I do not consider the effect of that on the character and appearance of the area would be materially more harmful. As such my conclusion on this main issue is consistent with the previous decision.
6. In summary, the development would not harm the character and appearance of the area. It would therefore accord with policies LLP1, LLP15 and LLP25 of the Luton Local Plan (2017) which seek to ensure development responds to and preserves the character of the area and does not result in an over-intensification of the site. Part v. of policy LLP25 does specifically seek to avoid backland development where it would rise to adverse amenity. However, as I consider the development would not give rise to adverse amenity, the development accords with this part of the policy also.

Living conditions

7. The bungalow would be sited roughly halfway down the rear garden of No. 17. The Council estimate it would be around 16m from the rear of the houses at Nos. 15, 17 and 19. Though undoubtedly the occupiers of all these properties would be able to see the development, its low height means that most of the building would be screened by the close-boarded fences on the boundaries. The roof would be visible above the fences, but as it would be fully hipped it would not appear excessively imposing. Indeed, in terms of its bulk it would not be dissimilar to many other ancillary outbuildings in other properties nearby and commonly seen in residential gardens. It would be longer than most other outbuildings nearby, but this would not render it visually obtrusive to the extent that it would harm the outlook from nearby properties unacceptably.
8. As such, the development would, in this respect also, accord with policy LLP25 which requires development be of a high quality design which minimises, among other things, overshadowing.

Other Matters

9. The occupiers of No. 19 have concerns that the development would result in an increase in noise and disturbance. Though there would inevitably be more people living at the appeal site as a whole, the vehicular access would not extend any further into the site than the existing parking area on the site and not beyond the rear of the house at No. 19. Therefore, any disturbance caused

¹ Ref APP/B0230/W/17/3166548

by vehicular movements or comings and goings generally would be limited to the existing parking area. There are windows along the side of No. 19 facing this area, but I would not consider any additional noise resulting from one more household would be notably more disturbing than at present.

10. The Council also express concern that the curtilage would not be well defined, with the parking space for the proposed house being to the side of the existing dwelling. The Council's Highway Engineer also comments that the space to the side of the existing dwelling appears to be too narrow to act as both a parking space and pedestrian access. However at my site visit, access into the garden was readily achievable even with a car parked alongside the house. Also, I see no reason why the use of this space by occupiers of the proposal could not be effective, particularly as the existing parking arrangements already serve more than one household within the main building.

Conditions

11. The Council failed to suggest any conditions. However, it is necessary to impose conditions relating to the commencement of the development and specifying the approved plans in the interests of certainty. Also, as the application forms stated the proposed finished materials would match the existing house, I have attached a condition to ensure that so as to protect the character and appearance of the area.
12. The Highways Engineer suggests a condition requiring the submission of a construction method statement. The development would be far from the public highway, and there are already parking restrictions on Capron Road, so I do not consider such a condition would be necessary.

Conclusion

13. The development accords with the development plan taken as a whole and there are no other material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal is allowed.

Andrew Owen

INSPECTOR