



Appeal Decision

Site visit made on 23 March 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2022

Appeal Ref: APP/B0230/W/21/3281436

40 Kimpton Road, Luton LU2 0SX

- 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 S Azfal of Mandeville Premier Ltd against the decision of Luton Borough Council.
 - The application Ref 21/00658/FUL, dated 7 May 2021, was refused by notice dated 2 July 2021.
 - The development proposed is development of 2 office units and 5 flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. I have been made aware of the planning history for this site which includes planning permission granted by the Council for a two and half storey building for an office and three flats. The scheme before me essentially would be a storey taller, albeit with a similar design, providing two additional flats.
5. The appeal site is a narrow vacant site located on one side of Kimpton Road. The site sits between an open air hotel car park and a commercial parade largely comprised of two storey buildings of varying designs. On the opposite side of the road is a modern large scale redevelopment of the former Vauxhall Motors plant.
6. I acknowledge that development opposite the site has resulted in visual change and varies considerably in terms of scale, height and design. However, the appeal site is located at the end of a parade with a low scale. I find that the juxtaposition between the significantly taller proposal and neighbouring

properties would result in an unacceptably awkward relationship, rather than a natural step in the built form.

7. The proposed development due to its overall scale and height would not successfully integrate into the area. It would appear as a visually intrusive and discordant feature within the street scene, irrespective of new development in the area.
8. I conclude that the proposed development would adversely affect the character and appearance of the area contrary to Policies LLP1, LLP15 and LLP25 of the Luton Local Plan (2017) which, amongst other things, require new development proposals to enhance local character and distinctiveness by responding positively to townscape, street scene, site and building context, form and scale.
9. It would also be contrary to the National Planning Policy Framework (the Framework) which, amongst other things, seeks to ensure that developments add to the overall quality of the area.

Other Matters

10. I note the appellant contends that the proposed development would create a more balance building; that it would provide satisfactory living conditions for future occupiers and would be a neighbourly form of development. I also note that the highway authority has not objected to the proposal. However, these factors individually or cumulatively do not outweigh the harm that I have identified.
11. I acknowledge that the Framework seeks to boost the supply of housing and encourages the efficient use of land. However, in this instance it is not justification for a scheme that I have found to be harmful.

Conclusion

12. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR