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# Appeal Decision

Site visit made on 11 April 2022

**by M Chalk BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29<sup>th</sup> April 2022**

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**Appeal Ref: APP/B0230/W/21/3280130**

**532 Hitchin Road, Luton, LU2 7UF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mr Hunt (Newcrest Investments Ltd) against Luton Borough Council.
  - The application Ref 21/00605/FUL, is dated 8 April 2021.
  - The development proposed is demolition of existing house and erection of part 1, part 2 and part 3 storey building accommodating 5 flats (residential C3 Use) with associated car parking, cycle storage, refuse storage and residential amenity.
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## Decision

1. The appeal is dismissed, and planning permission is refused.

## Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

3. The street scene in the vicinity of the appeal site principally comprises a mix of single-storey bungalows and two-storey houses. The appeal site lies at the end of a row of bungalows, with a footpath separating the site from a row of two-storey houses. Each of the neighbouring properties has a hipped or gabled roof.
4. Within this setting the proposed three-storey, flat-roofed building would be an incongruous and uncharacteristic development, creating a significantly larger building than any other building in the vicinity. It would be set forward of the neighbouring bungalow, which would emphasise its greater size in relation to that property. The front balconies and roof terraces would be unique in the street scene and would further differentiate the proposed building from surrounding properties.
5. The differing building sizes and designs along Hitchin Road in the vicinity of the appeal site do result in a varied street scene, and the site does not fall within a Conservation Area or other area of protected character. The top floor of the building would be set back, so that it would be less prominent in the street scene than the rest of the building. Nevertheless, the building would be significantly larger than neighbouring properties with its eaves above those of the neighbouring two-storey house and above the ridgeline of the neighbouring bungalow. While the appeal plot is wide enough that the building would not appear cramped, this would not prevent it appearing out of place overall.

6. My attention has been drawn to an approved development of flats on Waller Avenue in the borough. This development replaced an existing bungalow on the site, and therefore there are similarities with the proposal before me. However, the design of that development was significantly different to this proposal, with the approved flats appearing as a two-storey building with a pitched roof in the street scene. That approval therefore carries limited weight in my determination of this appeal.
7. The appellant has suggested that, over time, bungalows in the area may be extended upwards under Permitted Development, altering the local character. While this may be the case, there is no indication that any such proposals have been put forward in the vicinity of the appeal site. I must determine this appeal based on the present character of the area, and therefore the potential for extensions to neighbouring bungalows attracts limited weight.
8. The size, form and detailed appearance of the proposed building would result in it being an incongruous and uncharacteristic development in the street scene. It would therefore be harmful to the character and appearance of the area, conflicting with Policies LLP1 and LLP25 of the Luton Local Plan 2011-2031. Taken together these policies require that development be of high quality design that will enhance the distinctiveness and character of the area by responding positively to the street scene and building context.

#### *Planning Balance*

9. The Council has an identified need for 855 new homes a year up to 2035, which the proposed development would contribute towards by creating four new homes. The appeal proposal is for a more efficient use of an existing developed site and would provide good quality accommodation for future occupiers. There is national policy support for the development of smaller sites. Each parking space would provide an electric charging point. The site is a sustainable location for new residential development, with access to public transport within walking distance.
10. However, the development would cause harm to the character and appearance of the area. While the benefits of the development are recognised, in this instance they would not outweigh the harm arising from the size, form and detailed appearance of the proposed development.
11. There are therefore no material considerations present to lead me to conclude that this appeal should be determined otherwise than in accordance with the development plan.

#### **Conclusion**

12. For the reasons set out above, the appeal fails.

*M Chalk*

INSPECTOR