



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: 29th April 2022

Appeal Ref: APP/B0230/W/21/3283396

16 Sowerby Avenue, Luton, LU2 8AF

- 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 Gaetano Catuara against the decision of Luton Borough Council.
 - The application Ref 21/00218/FUL, dated 9 February 2021, was refused by notice dated 8 April 2021.
 - The development proposed is construction of one dwelling and detached single garage, plus alterations to existing bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council does not consider that the proposed alterations to the existing dwelling would cause harm to the character and appearance of the area. I see no reason to disagree with this, and therefore I shall only address the proposed bungalow and related development.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and,
 - The effect on the living conditions of neighbouring occupiers.

Reasons

Character and appearance

4. The appeal site lies to the rear of the host property. Surrounding properties are arranged in a broadly linear layout facing onto the street. There are no similar backland developments or structures of similar scale visible to the rear of houses in the vicinity of the appeal site, and therefore the proposed bungalow would appear incongruous in its setting. The bungalow would be finished in external materials appropriate to the area, but this would not be sufficient to overcome the harm resulting from its siting.
5. The site, including the host dwelling and its retained garden area, is relatively large in comparison to neighbouring plots. While there would be some loss of spaciousness because of the development, the proposal is for a bungalow with

no accommodation in the roof and the existing and proposed bungalows would be sufficiently distant from one another that this loss of spaciousness would not in itself be harmful to the wider area.

6. Nevertheless, the appeal proposal is for backland development that conflicts with the prevailing pattern of development in the area and would be harmful to its character and appearance. It therefore conflicts with Policies LLP1, LLP15 and LLP25 of the Luton Local Plan 2011-2031. Taken together these policies require that new housing development be of high quality design that enhances the distinctiveness and character of the area by responding positively to the site and building context.

Living conditions

7. The development would create a new driveway along the boundary with No 18 with a garage and parking space next to the boundary with No 14 and the existing house, No 16. There would be some additional noise and disturbance from vehicles using the driveway and parking area. However, the proposal is only for a single dwelling and therefore the volume of traffic would be relatively small, even allowing for delivery and visitor vehicles. The proposed development includes provisions for landscaping to the boundary with No 18 and close-boarded fencing to the boundaries with neighbouring properties which could be secured by condition if I were otherwise minded to allow the appeal. Given the limited volume of traffic likely to result from the proposed development, it would therefore not cause unacceptable harm to the living conditions of neighbouring occupiers.

Planning Balance

8. The appeal proposal would create one new generously sized bungalow, contributing to the Government's objective of significantly boosting the supply of homes. The site is in a sustainable location for new residential development, and there is a need for three-bedroom homes in Luton. The development would be a more efficient use of a relatively large site.
9. However, there would be harm to the character and appearance of the area from the proposed development due to its backland siting conflicting with the prevailing pattern of development. In this instance the benefits arising from a single dwellinghouse would not outweigh this harm.
10. There are therefore no material considerations in this case to indicate that this appeal should be determined otherwise than in accordance with the development plan.

Conclusion

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

M Chalk

INSPECTOR