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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: 5<sup>th</sup> May 2022**

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**Appeal Ref: APP/B0230/W/21/3282428**

**Land adjacent to 15 Gelding Close, Luton, LU4 0TZ**

- 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 Adil Khan against the decision of Luton Borough Council.
  - The application Ref 21/00846/FUL, dated 24 June 2021, was refused by notice dated 19 August 2021.
  - The development proposed is erection of a detached dwelling and associated access.
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## Decision

1. The appeal is allowed and planning permission is granted for erection of a detached dwelling and associated access at land adjacent to 15 Gelding Close, Luton, LU4 0TZ in accordance with the terms of the application, Ref 21/00846/FUL, dated 24 June 2021, subject to the conditions set out in the attached schedule.

## Preliminary Matters

2. Planning permission for a three-bedroom house on the appeal site was granted in April 2019. That permission is a material consideration in the determination of this appeal.

## Main Issue

3. The main issue in the determination of this appeal is the effect of the proposed development on the character and appearance of the area.

## Reasons

### *Character and appearance*

4. The appeal site lies at the end of a cul-de-sac, backing onto a roundabout. The street scene comprises pairs of semi-detached houses of similar appearance and scale and simple form generally lacking in forward projections other than occasional single-storey porches. The proposed house would be larger than any other house in the street, with two-storey front and rear gables that are not a feature of any other house in the street scene, except for the front gable to the neighbouring house, No 17.
5. However, the appeal proposal is for a single detached house at one end of the cul-de-sac. Both the neighbouring houses at 15 and 17 would be set at right angles to the proposed house, with the only immediately neighbouring structure a single-storey garage. While it would not be of a similar appearance or the same size as the other houses in the street, its location, orientation and status as a detached house mean that its appearance would not be harmful in the Gelding Close street scene.

6. The proposed house would be more prominent than the approved in the wider area as seen from the roundabout and the approaches to it because of its greater size and rear gable. However, the difference between the approved and proposed houses would be modest. Furthermore, given the wider context of the houses and large blocks of flats sited around the roundabout there would be little impact on the wider character of the area from the appeal proposal.
7. The appeal proposal would therefore not cause harm to the character and appearance of the area. It would accord with the requirements of Policies LLP1, LLP15 and LLP25 of the Luton Local Plan 2011-2031. Taken together these policies require high quality design in new housing development that responds positively to the site and building context.

#### *Other Matters*

8. The site falls within the zone of influence for the Chiltern Beechwoods Special Area of Conservation (the SAC). New residential development within the zone of influence may cumulatively result in a significant effect through increased recreational pressure on the SAC. As the competent authority it is necessary for me to carry out an appropriate assessment to ensure that no significant adverse effect would arise from the proposed development, either alone or together with other development in the zone of influence. In this instance, Natural England have advised that visits from Luton Borough Council are not significant alone or in combination, and therefore consider that the appeal proposal would not result in a likely significant effect on the integrity of the SAC. I see no reason to disagree with this conclusion.

#### **Conditions**

9. No conditions have been suggested by the Council. I have had regard to the conditions imposed on the earlier permission, and those suggested by the Council's highways consultee, as well as national Planning Practice Guidance on conditions.
10. I have imposed the standard condition relating to the commencement of development (1) as well as a condition specifying the approved plans for the sake of certainty (2).
11. A condition requiring approval of landscape details (3) is reasonable and necessary in this instance to ensure that the finished appearance of the development is acceptable.
12. I have imposed conditions requiring the provision of visibility splays to the vehicle access point (4) and a construction method statement (5) in the interests of highway safety.

#### **Conclusion**

13. For the reasons set out above, the appeal succeeds.

*M Chalk*

INSPECTOR

**Schedule of conditions for appeal ref: APP/B0230/W/21/3282428**

**Land adjacent to 15 Gelding Close, Luton, LU4 0TZ**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 06321-200, 06321-201A and 06321-202A.
- 3) No development shall commence until details of both hard and soft landscape works, including all boundary treatments, cycle storage, refuse and recycling storage and screening have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details and an implementation programme that shall form part of the submission.
- 4) Triangular pedestrian visibility splays of 1.8 x 1.8 metres must be provided on either side of any new or extended access prior to the first occupation of the dwelling hereby approved. The splays shall be positioned within the site at right angles to the highway (measured at highway boundary/site boundary). The visibility splays so described shall be maintained free of any obstruction to visibility exceeding a height of 600 mm above the existing ground level.
- 5) No construction shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The Statement shall provide for:
  - The parking of vehicles of site operatives and visitors,
  - Loading, unloading and storage of plant and materials; and,
  - Delivery, demolition, and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

**End of schedule of conditions**