
Appeal Decision

Site visit made on 29 March 2022

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th June 2022

Appeal Ref: APP/B0230/D/22/3292880

19 Villiers Close, Luton LU4 9FR

- 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 Elton Salla against the decision of Luton Council.
 - The application Ref 21/01517/FULHH, dated 27 October 2021, was refused by notice dated 31 December 2021.
 - The development proposed is single storey garage outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey garage outbuilding at 19 Villiers Close, Luton LU4 9FR in accordance with the terms of the application, Ref 21/01517/FULHH, dated 27 October 2021, subject to the following conditions:
 - 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 approved plan: PRJ/21/A1/100 rev A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

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

Reasons

3. The appeal site forms part of the garden area at the front of a two storey end terrace property situated on a corner plot within a residential cul-de-sac. It is located in a modern well-established housing estate with a mixture of properties of varied styles and character set back from the road behind front gardens/ driveways. A number of the dwellings have single storey front and side extensions and garages of varying styles and designs that generally appear as clearly subordinate to the dwellings.
4. The proposal would entail the construction of a detached single storey garage with a shallow pitched hipped roof that would be set back from the road behind a car hardstanding/turning area. It would be enclosed on two sides by a high

close boarded fence and would abut the rear garden of No.5 Dartmouth Mews and the parking courtyard of the two storey properties of varying styles and designs on Dartmouth Mews immediately to the rear.

5. The appeal property is on a relatively spacious corner plot and as such the garage would not appear overlarge, relative to the overall plot size. Given the site's location, the proposed garage would only be visible over short distances when passing the site and would be seen in the context of the current varied architectural styles in the surrounding area.
6. Against this backdrop, the scale, form and design of the proposed garage, would not appear significantly out of place or excessive in relation to the built form of the host property and the adjacent properties. The modest overall scale and proportions of the new garage, together with the use of matching materials and fenestrations would ensure the proposal would sit relatively unobtrusively against the two storey form of the main property. The proposal would therefore achieve an appropriate degree of subordination to the host property and as such would limit any significant adverse impacts on the street scene.
7. I have considered the Council's argument's that the granting of planning permission would set a precedent for other similar developments. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission on these grounds.
8. Consequently, I conclude that the proposed garage would not result in harm to the character and appearance of the host property and the area. It would be consistent with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2017 which, amongst other things, require development proposals, including extensions, to be of a high quality design that improve or enhance the distinctiveness and character of the area. In addition, the proposal would accord with the National Planning Policy Framework that developments should seek to secure a high quality of design (paragraph 126) that are sympathetic to the local character (paragraph 130).

Conditions

9. Having regard to the National Planning Policy Framework, and in particular paragraph 56, in addition to the standard time limit condition, I have specified the approved plan as this provides certainty. In order to protect the character and appearance of the area, I have also imposed a condition requiring that the external surfaces match those of the existing property.

Conclusion

10. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR