
Appeal Decision

Site visit made on 20 June 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2022

Appeal Ref: APP/B0230/W/21/3288476

40 Castle Croft Road, Luton, LU1 5RL

- 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 R Downey against the decision of Luton Borough Council.
 - The application Ref 21/00693/FUL, dated 17 May 2021, was refused by notice dated 15 July 2021.
 - The development proposed is a three bedroom attached dwellinghouse and alterations to existing dwelling including front canopy and fenestration changes to flank elevation.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site currently forms a side garden associated with the host property. Whilst taking account of the representation received in relation to the historical maintenance of the side garden, at the time of my visit, I found the site to appear tidy and maintained and without a detrimental effect upon the character and appearance of the area.
4. The surrounding area is predominantly residential in nature, and there is some variety in how corner plots have been treated, with properties and extensions appearing to have been constructed in some. Nevertheless, the originally planned layout of the wider area is still evident, at least in part, because of open views between properties and at road junctions. The predominant character of corner plots such as the appeal site is positive, with them contributing to this spacious character, which forms part of the local distinctiveness of the wider residential area.
5. The proposed development would be located at the end of a terrace of four properties and would reflect the existing terrace in terms of scale and design, and the proposed materials would acceptably reflect those used at existing nearby properties.

6. However, the proposed dwelling would extend the existing terrace into the side garden, which together with the side garden of 38 Castle Croft Road currently provides a balanced open aspect to the mouth of the junction of Rockley Road and Castle Croft Road. Although some of this aspect would be retained by the remaining side garden at 38 Castle Croft Road, the proposed dwelling at the appeal site would result in a more enclosed ambience to this junction than exists at present.
7. Additionally, a positive aspect of the character of the area, is the strong frontage of Rockley Road, which when turning into the street from Castle Croft Road, is currently framed by the balanced open side garden plots. The proposed dwelling would lie beyond the established strong building frontage on Rockley Road and would disrupt this positive longer view down the street, as well as unbalancing the approach to Rockley Road.
8. As a result, the proposed development would unacceptably harm the character and appearance of the area. It would be contrary to Luton Local Plan (LLP) Policies LLP1 and LLP25 where it is required that new development respond positively to the townscape, streetscene and local distinctiveness of the area, and consequently, also contrary to Paragraph 134 of the National Planning Policy Framework which relates to new development adhering to local design policies.

Other Matters

9. I acknowledge that the proposed development would represent an efficient use of land, and that a single dwelling would make a contribution to boosting housing supply. Whilst these would represent positive benefits of the proposed scheme, given the proposed development relates only to a single dwelling, these would only be limited in nature.
10. Although the proposed dwelling would meet internal and external space standards, there are no highway issues, no living conditions or utility concerns, and no objections to the proposals, these are neutral aspects which do not weigh in favour of the scheme.
11. I have also been made aware of previous similar developments on other corner plot sites in the area including at nos.51 and 80 Castle Croft Road at the junction of Barnard Road, and having viewed these properties on my site visit, I am satisfied that the circumstances of these sites, in terms of their relationship with surrounding streets are substantially different as Barnard Road does not exhibit the same strength of building frontage as Rockley Road. Furthermore, although the open corner plots have been lost in this location, a balanced approach to Barnard Road nevertheless continues to exist.
12. The other cited examples on Barnard Road are also not directly comparable as they relate to infill development within an existing street, and not to corner plots such as the appeal site.

Conclusion

13. LLP Policy LLP1 states that new development will be approved where it accords with local plan policies, unless material considerations indicate otherwise. I have found conflict with LLP Policy LLP25 and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.

14. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR