
Appeal Decision

Site visit made on 16 August 2022

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2022

Appeal Ref: APP/B0230/W/22/3294324
37 Whipperley Ring, Luton LU1 5QH

- 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 Christopher Latino against the decision of Luton Council.
 - The application Ref 22/00001/COU, dated 31 December 2021, was refused by notice dated 2 March 2022.
 - The development proposed is change of use of grass verge to hardstanding/vehicle crossover.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description.

Main Issue

3. The main issue is the effect of the proposed hardstanding/vehicle crossover on the character and appearance of the area.

Reasons

4. The appeal site forms part of the grass verge at the front of No. 37 Whipperley Ring (No. 37) a two storey mid-terrace property setback from the road behind a gravelled front garden, footpath and grass verge. The proposal would involve the construction of a hardstanding/vehicle crossover at the front of the site.
5. The appeal site is located in a mature well-established residential area, typically characterised by semi-detached and terrace dwellings set back from the road behind front gardens/driveways and grass verges. The grass verge in front of the No. 37 extends across the front of row of terrace properties which add to the open character and appearance of the area, which is further enhanced by the presence of street trees and a grass verge either side and on the opposite side of the road in front of the Whipperley Infant Academy.
6. Whilst the proposed hardstanding/vehicle crossover would be modest in scale, the siting and form of the proposed crossover would nevertheless still result

in an obtrusive addition in this location. Such positioning, would erode the open character and appearance of the grassed landscaped area, compromise the sense of space and openness and the verdant feel in the area.

7. These shortcomings would be exacerbated by the hard edged appearance of the new hardstanding/vehicle crossover and by the proposal's prominent position, which would be visible from a number of public vantage points along Whipperley Ring. I therefore consider that the proposed development, by virtue of its siting, design and layout, would fail to promote or reinforce the distinctive characteristics of the area and would adversely harm rather than positively contribute to the character and appearance of the area.
8. Consequently, I conclude that the proposal would result in harm to the character and appearance of the area. It would be contrary to the overall aims of Policies LLP1, LLP25 and LLP31 of the Luton Local Plan 2017 which, amongst other things, require development proposals to be of a high quality design that create quality places, ensure that the quality of the local environment is not compromised and enhance the distinctiveness and character of the area. In addition, the proposal would not 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).

Other Matters

9. I have noted the other developments drawn to my attention by the appellant. However, the vehicle crossovers are primarily associated with semi-detached and end-terrace properties in the area and have different development characteristics to the appeal scheme. As a consequence, whilst I have taken these other examples into account, they do not materially alter my conclusions on the appeal proposal.
10. I have considered the appellant's comments regarding the vehicle crossover assessment and the approval received from Volker Highways for the vehicle crossover and dropped kerb at the front of the site. Whilst this maybe so, this does not preclude the proper planning assessment of the impact of the proposal and is not a determinative factor on its own.
11. I have considered the various benefits put forward by the appellant that the proposal would bring arising from the scheme's design, reducing traffic congestion and parking outside the site and additional off-street parking to meet the needs of the appellant. While I have given them some weight in favour of the appeal, these modest benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

12. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR