
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/22/3289863

116 Barton Road, Luton LU3 2BD

- 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 Nimesh Patel against the decision of Luton Council.
 - The application Ref 21/01431/FUL, dated 12 October 2021, was refused by notice dated 7 December 2021.
 - The development proposed is erection of a 6 bedroom detached dwellinghouse to replace the 4 bedroom dwellinghouse.
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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 dwelling on the character and appearance of the area.

Reasons

4. The appeal site comprises of a large two storey detached property located on a prominent spacious corner plot within a mature well-established residential area at the junction of Barton Road and Weybourne Drive. The properties along these roads are characterised by detached and semi-detached properties of varied styles and designs with hipped and gabled roofs set back from the road within large spacious plots. The appeal property being situated on a corner plot has more expansive grounds, which add to the open character and appearance of the area.
5. The proposal would involve the demolition of the existing dwelling and the construction of a large detached two storey dwelling with a hipped crowned roof and 2no. hipped roofed dormers on the front and the rear roof plane. 3no. two storey hipped roofed projections would project out from the front elevation of the proposed house, with the central front projection having

supporting stone corner pillar edging features either side of the main entrance to the property.

6. Although the proposed development would not appear overlarge, relative to the overall plot size and would be seen in the context of the varied two storey dwellings in the area, the scale, massing and height of the proposed dwelling would nevertheless be substantial in this location.
7. The overall scale and massing of the proposed dwelling would be significantly larger and higher than the existing dwelling and adjacent property at No. 118 Barton Road and would be positioned in close proximity to the side boundaries of the site. The increased scale, height and massing of the proposed dwelling, combined with the enlarged crowned hipped roof, would be out of character with the more modest traditional form and appearance of the host building and the adjacent properties.
8. I also observed during my site visit that the south east corner of the proposed dwelling would be positioned in close proximity to the high boundary wall running along the south eastern boundary alongside Weybourne Drive. This would provide limited opportunity to soften the impact of development through a comprehensive landscaping scheme in this location. As such, although it would be set back behind the boundary wall, the proposed development, by virtue of its scale, siting and design, would appear visually cramped, compromising the sense of space and openness in the area.
9. These shortcomings would be exacerbated by the proposal's prominent position which would be visible from a number of public vantage points along Barton Road and Weybourne Drive. The use of contrasting materials and supporting stone corner pillar edging features contribute to the overall scale of the building, giving it particular prominence in relation to its surroundings. I therefore consider that the proposed development, by virtue of its scale, height and design shown on the submitted plans, 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.
10. I have considered the appellant's arguments that the design and layout of the proposed development have been carefully considered and redesigned in light of the pre-application comments received from the Council in order to minimise any impacts on the area and would be in keeping with other buildings in the area. Whilst use of matching materials, fenestrations and the boundary treatment would assist with integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above.
11. 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 and LLP25 of the Luton Local Plan 2017 which, amongst other things, require development proposals to be of a high quality design that create quality places, optimise higher densities and improve or 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

12. I have noted the other developments drawn to my attention by the appellant. However, the residential developments in the area are of different scale and form and have different locational characteristics to the appeal scheme. On the basis of the limited evidence provided I am not convinced that the circumstances are compellingly similar to the appeal proposal. As a consequence, whilst I have taken these other examples into account, they do not materially alter my conclusions on the appeal proposal.
13. I have considered the appellant's comments regarding their personal circumstances and the benefits arising from the proposed development. However, the courts have generally taken the view that planning is concerned with land use in the public interest. Although personal circumstances can sometimes justify a personal or temporary permission, that would not be appropriate here where a permanent structure is intended and as such are matters to which I can attach only limited weight in making this decision.
14. I have noted the issues raised by the appellant regarding the way in which the application was processed by the Council. However, these are a material consideration to which I can attach only limited weight in making this decision.
15. I have considered the various benefits put forward by the appellant that the proposal would bring, including the scheme's design, the use of energy efficient and sustainable construction methods and to create additional accommodation to meet the needs of the appellant's family. While I have given them some weight, these benefits would not be sufficient to outweigh the harm I have identified in this case. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

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

David Troy

INSPECTOR