



Appeal Decision

Site visit made on 30 September 2022

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/B0230/W/22/3293951

45 Grange Avenue, Luton LU4 9AS

- 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 Cornish against the decision of Luton Borough Council.
 - The application Ref 21/01565/FUL, dated 4 November 2021, was refused by notice dated 26 January 2022.
 - The development proposed is erection of 2 two-bedroom semi-detached bungalows.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above is taken from the Council's decision notice as this is the description agreed between the parties.

Main Issues

3. The main issues in this case are the effect of the proposed development on:
i) the character and appearance of the area; ii) the living conditions of future occupiers; and iii) the living conditions of neighbours, with particular regard to noise and disturbance.

Reasons

Character and appearance

4. The appeal site is a relatively small parcel of land to the rear of No.45 Grange Avenue (No.45), formerly part of its garden. It is proposed to construct a pair of semi-detached 2-bedroom bungalows on the site; a form of backland development. Policy LLP25 of the Local Luton Plan 2011-2031 (2017) (LP) allows for backland development where it would not give rise to an adverse effect upon amenity.
5. The existing character of Grange Avenue is mixed, typically comprising two-storey semi-detached houses on the west side, but there is also a large 'u-shaped' three-storey apartment building adjacent the site to the north-east and more modest bungalows on the Grange Avenue, The Avenue corner. To the south, is No.49a Grange Avenue (No.49a), backland development accessed between Nos.49 and 51 Grange Avenue but visible from the road. Whilst I note that No.49a was approved in 2006, so before adoption of the current LP, it nonetheless forms part of the character of the area. The appellant has also

drawn my attention to other examples of backland development in the surrounding area, including sites at No.25 Finsbury Road and Nos. 20, 22 and 24 Onslow Road.

6. Although backland development forms part of the character of the area, there is an overall sense of spaciousness of houses and plots particularly on the west side of Grange Avenue, with good sized gardens. The proposed semi-detached bungalows would take up much of the appeal site with tandem car parking to the front of each plot and very little room for the manoeuvring of cars, or for any landscaping. The proposed car parking arrangement for Plot 2 overlaps the main living/dining/kitchen window of Plot 1. The layout of the bungalows would therefore appear compromised and cramped.
7. Further, the depths of the gardens for each bungalow would be less than 6m. I recognise that in terms of size, the proposed gardens exceed the minimum requirement (of 45sqm) set out in LP Appendix 6: External Amenity Space Standards, but this itself requires regard to be had to the character of the area. The garden depth and size of the proposed bungalows would be substantially less than neighbouring houses and, in combination with the limited space around each bungalow, would result in an over intensive form of development.
8. I observed on my site visit that the proposed access to the rear of No.45 has already been created, with a low brick wall to No.45 splayed to facilitate the width of the bellmouth. The access to the site is therefore visible from Grange Avenue but the siting of the proposed bungalows, directly behind No.45, and the relatively long, narrow access road, means they would not be readily visible within the streetscene. I do not find the absence of a road frontage to be fatal to the proposal.
9. However, whilst there would be no harm to the appearance of the streetscene, I find the scale, siting and layout of the two bungalows would be at odds with the overall spaciousness of the area and would cause harm to its prevailing character and appearance. The proposals would therefore conflict with LP Policy LLP1 and LLP25 because it is backland development that would give rise to an adverse effect on amenity, and it fails to respond to the surrounding building context in terms of form and scale. It would further conflict with LP Policy LLP15 as new housing that would result in over-intensification of the site.

Living conditions of future occupiers

10. The internal arrangement of proposed Plot 2 has been designed with a living/dining/kitchen area to the front of the bungalow, with the front door directly accessing this space. The living/dining/kitchen area would be dual aspect with a window to the front and flank elevation. However, the outlook to the front would be over the car parking spaces for Plot 2 sited close to the bungalow (with very limited opportunity for landscaping) and the flank window would directly face the fence within 1m of the common boundary with the neighbour at No.47 Grange Avenue. The outlook from the only living accommodation for the bungalow would therefore be extremely compromised.
11. The second bedroom for proposed Plot 2 would be single aspect, with a window on the flank elevation that, again, directly faces the boundary fence at a similar distance to the living area window. Although I accept this is the second, single bedroom, it would nonetheless have a poor outlook and limited natural light.

12. To the north-east of the appeal site, the three storey apartment building has windows on its flank elevation overlooking the site. Whilst facing the front of Plot 1 (which has its front door to the side), there is a reasonable separation distance of around 15m and intervening landscaping such that there would be no significant overlooking to Plot 1.
13. Notwithstanding this, on the second main issue I conclude that the proposed development would fail to provide a high standard of living accommodation, particularly in respect of outlook. It would cause harm to the living conditions of future occupiers therefore conflicting with LLP1 and LLP25 as well as paragraph 130 of the National Planning Policy Framework (the Framework).

Living conditions of neighbours

14. The proposed access to the development is adjacent to No.45 Grange Avenue (No.45) with 2no. car parking spaces for Plot 2 sited to the front of both Plots 1 and 2 between the bungalows and the garden of No.45. One of the car parking spaces abuts the site boundary with the neighbour at No.47 Grange Avenue (No.47). I saw on my site visit that the access has already been formed and there is a reasonably high wall on the rear garden boundary of No.45 and robust boundary fencing.
15. Given the close proximity of parked cars and the arrangement of spaces, which means one car would be blocked in by the other, there would be some noise and disturbance for No.45 and No.47, particularly as cars manoeuvre. However, I do not consider that the number of comings and goings associated with two bungalows of the size proposed (and particularly Plot 2) would cause such noise and disturbance to significantly harm the living conditions of the neighbours, particularly given the quality boundary treatment.
16. There would therefore be no conflict with LP Policies LLP1, LLP15 and LLP25 and the Framework in so far as it supports housing provision and creates a place with a high standard of amenity for existing users.

Other Matters

17. I have had regard to the social and economic benefits associated with the proposal that have been presented by the appellant, including the contribution to be made to local services and amenities, construction jobs and the long-term financial contributions to the area. I also recognise that there is a substantial need for family-sized accommodation. Whilst these are clear benefits of the proposal, they are not sufficient, in this case, to outweigh the harm that I describe above. Nor do they justify the proposals, particularly because a good standard of family accommodation would not be provided.
18. The appellant has referred to two appeal decisions, considered to set a precedent for the appeal proposal. I note that the proposal at No.371 Beechwood Road (No.371) (APP/B0230/W/18/3208828) was for a house to be sited within the curtilage of an end of Victorian terraced property and that the Inspector concluded that the proposal would not result in the loss of spaciousness, rather it would enhance the appearance of the street scene. No.48 Thirlston Road (APP/B0230/W/18/3207885) was a former builder's yard, and the proposed house was considered well-proportioned to adjoining properties and (similar to No.371) would enhance the appearance of the streetscene. Whilst I do not have full details of these proposals, from the

information before me and the conclusions of the Inspector, both have a different context to the appeal site and are not therefore directly comparable to it.

Conclusions

19. Notwithstanding my conclusion with regard to the harm to the living conditions of neighbours, I find significant harm to the character and appearance of the area and to the living conditions of future occupiers. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

R Jones

INSPECTOR