



Appeal Decision

Site visit made on 4 October 2022

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th November 2022

Appeal Ref: APP/B0230/W/22/3299089

4 Roebuck Close, LUTON LU1 5PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Helen Murphy against the decision of Luton Borough Council.
 - The application Ref 22/00081/OUT, dated 10 February 2022, was refused by notice dated 7 April 2022.
 - The development proposed is described as 'erection of single storey chalet bungalow'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey chalet bungalow at 4 Roebuck Close, Luton LU1 5PZ in accordance with the terms of the application, Ref 22/00081/OUT, dated 10 February 2022, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall be begun not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Preliminary Matters

2. The planning application was made in outline with all matters reserved for future consideration. The drawings do though show details of the access, layout and include plans and elevations of the proposed development. However, the appellant's agent has confirmed these are indicative, so I have treated them as such in my assessment.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The illustrative drawings indicate how a new dwelling may be accommodated on the site. They show that the proposed dwelling would follow the line of the side elevation of No 4. It would be orientated to face the access drive to the

front of the adjoining properties, which would reflect the cul-de-sac arrangement of the surrounding residential development. The proposed plot, as well as the remaining plot for No 4, would not be dissimilar in size to others in the vicinity of the site and so the development would not appear unusually cramped.

5. Although the Council acknowledge that all matters are reserved for future consideration it suggests that the proposed dwelling, by virtue of its height and design would not be compatible with the surrounding built form. Whilst the proposed dwelling would be sited to the rear of No 4, due to its orientation it would be viewed separately in the immediate streetscape on this side of the access drive. It would also occupy a secluded position within the wider residential development. As such, given the site context, where the surrounding residential properties have a variable design and form, a modest single storey detached property, would not appear as an unduly discordant feature that would detract from the character and appearance of the area.
6. In addition, notwithstanding the fact that all matters are reserved, I am content that a dwelling of the scale and form as shown indicatively, would maintain a general sense of spaciousness. Furthermore, the proposed dwelling would be sited on land which is currently enclosed garden land and so would not detract from the open character of the adjoining green space.
7. For the above reasons, I conclude the proposal would not harm the character and appearance of the area. In that regard, it would accord with Policy LLP1 of the Luton Local Plan 2017 (the LLP) which sets out the presumption in favour of sustainable development and in particular requires development to respond to and enhance local character, and Policy LLP25 of the LLP which seeks high quality design that enhances the distinctiveness and character of the area. The Council's refusal reason also refers to Policy LLP15, of the LLP. However, this refers to housing mix and is therefore not directly relevant to the appeal proposal.

Other Matters

8. My attention has been drawn to an appeal decision at 61 South Drift Way (APP/B0230/W/16/3164859) for the erection of a dwelling. However, the proposal in that case was for a 2 storey dwelling on a plot in a different context. Given these differences, the proposal in this instance would have a different effect on the character and appearance of the area, including spaciousness. As such I have given this little weight, and in any event have considered this appeal on its own merits in light of the evidence before me.

Conditions

9. I have not been provided with a list of suggested conditions by the Council. I note that the Council's Environmental Protection Officer has suggested a condition to require a noise risk assessment to be carried out as the site is located in an area impacted by road traffic noise which prevails day and night. This would in turn confirm whether fenestration sound insulation and mechanical ventilation may be required to be incorporated into the development. However, it has not been robustly demonstrated that the appeal site is in an unduly noisy area. As such, a condition is not deemed necessary.

10. Furthermore, given the scale of the development and likely limited potential for environmental impact during construction, a condition to secure a Construction and Environmental Management Plan is not reasonable or necessary.
11. I have attached standard conditions relating to the submission and timing of reserved matters application(s) and the commencement of development.

Conclusion

12. For the reasons set out above the appeal succeeds.

Emma Worley

INSPECTOR