
Appeal Decision

Site visit made on 14 November 2022 by T Bennett BA(Hons) MSc

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2022

Appeal Ref: APP/B0230/W/22/3300050

69 Warden Hill Road, Luton, LU2 7AE

- 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 Talal Darr against the decision of Luton Borough Council.
 - The application Ref 22/00302/FUL, dated 11 March 2022, was refused by notice dated 23 May 2022.
 - The development proposed is erection of a new dwelling and alterations to existing dwelling at 69 Warden Hill Road, Luton, LU2 7AE.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new dwelling and alterations to existing dwelling at 69 Warden Hill Road, Luton, LU2 7AE in accordance with the terms of the application, Ref 22/00302/FUL, dated 11 March 2022, subject to the attached schedule of conditions.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

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

Reasons for the Recommendation

4. The appeal site is located in a residential area at the end of Warden Hill Road adjacent to the Cardinal Newman secondary school. Immediately north and to the rear of the appeal site is the school carpark. Opposite the site is vegetation beyond which is a nature reserve. Along with two other detached properties, the appeal site is located at the end of an offshoot road, with the properties in this row spatially and visually separate from the main part of Warden Hill Road. These properties vary in size and style and share little commonality either with each other or with those on the main part of Warden Hill Road which are typically semi-detached and constructed with part brick and render.
5. The semi-detached nature and scale of the proposal, whilst not similar to the adjacent properties, would reflect those on the main part of Warden Hill Road. The Council have no issue in principle with the new dwelling and two storey

extension as evidenced by the recently approved planning permission at the appeal site¹.

6. The front and side elevations of the development would consist of a mix of white render and brick. The brick, render and roof tiles chosen would be of a similar colour to those I observed on many of the properties on the main part of Warden Hill Road. In this regard, these materials would not be an incongruous feature in the wider area and the contemporary arrangement of these on the front elevation would provide a visually attractive scheme.
7. The existing uPVC windows at No 69 are comparatively small in relation to the size of the property which results in large expanses of brickwork, particularly at first floor level, with little in the way of design detail to provide relief. The result is a rather uninteresting façade. There is greater variety in adjacent chalet style properties which contain larger expanses of glazing at ground floor level.
8. The proposed fenestration to the front elevation of the existing and proposed adjoining dwelling would introduce large floor to ceiling windows to a gable on the first floor, with a Juliet balcony. To the rear, there would be full width bi-fold doors on the ground floor and large floor to ceiling gable end glazing with Juliet balcony to the first floor, which would successfully assist in breaking up the mass of white render.
9. Whilst the openings are not characteristic of the existing arrangements on the host property, I find that the placement and shape of the openings would respect the proposed scale and design of the properties which they would be related to. The location of the appeal site, with little unifying features between the existing properties in this section of Warden Hill Road, combined with the wider variety of property styles and sizes in the locality, would limit the visual effect on the wider street scene of Warren Hill Road, and allow for a more contemporary design approach.
10. For the reasons above, the proposed development would not represent such an incongruous or unduly prominent addition that it would have a harmful effect on the character and appearance of the area. It is therefore consistent with Policies LLP1 and LLP25 of the Luton Local Plan (2017). Broadly and amongst other things, these policies seek high quality design and development that enhances the distinctiveness and character of the area. It also accords with the overarching aims of the National Planning Policy Framework.
11. Policy LLP15 has been cited in the reason for refusal. However, as this policy relates to housing provision, it is not considered pertinent to the main issue of character and appearance addressed within this decision, consequently it has not been determinative in this appeal.

Other Matter

12. Considering the scale, location and relationship of the proposed development with the surrounding properties I find that the proposal would not cause any material harm to the living conditions of neighbouring occupiers, agreeing with the Council in this regard.

¹ Application Reference: 21/01434/FUL

Conditions

13. I have considered the suggested conditions put forward by the Council in the light of the guidance contained in the Government's Planning Practice Guidance (PPG) and where necessary amended these for precision. In addition to the standard time limit, I deem it necessary to impose a condition requiring that the development is carried out in accordance with the approved plans for the reason of certainty.
14. Whilst some details regarding external materials have been provided as part of the application, some information has not been provided in relation to the front elevation. Therefore, in the interests of the character and appearance of the area and for certainty a condition requiring that details of the materials to be used should be submitted and agreed by the Council is necessary.
15. The Council have suggested a condition removing permitted development rights for extensions. However, based on the location of the site, size of the plots and its relationship with surrounding properties I do not consider this condition to be necessary. However, I agree a condition is necessary to remove permitted development rights for boundary treatments to safeguard the character and appearance of the area and in the interests of maintaining adequate visibility between drivers leaving the driveways and other road users.
16. To ensure pedestrian and highway safety, a condition is necessary to ensure off road parking is provided prior to occupation of the new dwelling. However, the suggested condition regarding visibility splays is not deemed necessary as adequate visibility splays are shown on the approved plan PL01.
17. A condition in relation to provision of an electric car charging point is necessary to safeguard the amenities of current and future occupiers and in the interests of the environment.
18. A condition relating to landscaping and boundary treatment is necessary to ensure the development harmonises with the character and appearance of the area and safeguards the amenity of future and neighbouring occupiers.
19. The suggested condition regarding the surfacing and drainage of parking areas is not necessary as the referenced plan PL08 does not contain this information. Furthermore, approved plan PL07 details that the surface would be permeable paving.
20. To protect the living conditions of neighbouring occupiers during building work a condition ensuring compliance with the submitted construction management plan is necessary.

Conclusion and Recommendation

21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall allow the appeal and grant planning permission subject to the conditions in the attached schedule.

Chris Preston

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: PL01, PL02, PL03, PL04, PL05, PL06, PL07, PL08, PL09, PLBP and PLSM.
3. Notwithstanding the submitted details, prior to the commencement of above ground works full details of the external materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015, (or any Order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure shall be erected or constructed in front of the forward most part of any dwelling which fronts a highway, a footpath or approved open amenity space without the prior permission of the Local Planning Authority.
5. The car parking for the proposed new dwelling as identified on the approved plan No PL01 shall be laid out and ready for use prior to the first occupation of the development hereby permitted and the parking spaces shall thereafter be kept available for the parking of vehicles at all times.
6. Prior to the first occupation of the development hereby permitted, details of an Electric Car Charging Point for the development shall be submitted to and approved in writing by the Local Planning Authority. Information shall include details of the charging point and where it will be located. All charging systems shall be maintained and kept in good working order as specified by the manufacturer thereafter.
7. All hard and soft landscaping works as identified on the approved plan PL07 shall be carried out prior to the first occupation of the dwelling. The driveways shall be constructed using permeable paving as shown on the approved plans.
8. All boundary treatment works as identified on plan PL09 and on submitted boundary treatment example shall be implemented prior to the first occupation of the development and retained thereafter.
9. The development hereby permitted, shall be carried out in accordance with the submitted INS-651-10 Construction Management Plan.