The Planning Inspectorate

Appeal Decision

Site visit made on 23 November 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2022

Appeal Ref: APP/B0230/D/22/3306848
71 Sundon Park Road, Luton LU3 3AA

- 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 S Singh against the decision of Luton Borough Council.
- The application Ref 22/00537/FUL, dated 24 May 2022, was refused by notice dated 19 July 2022.
- The development proposed is the change of use of a grass verge to hardstanding and dropped kerb for a vehicle crossover.

Decision

1. The appeal is allowed and planning permission is granted for a change of use of a grass verge to hardstanding and dropped kerb for a vehicle crossover at 71 Sundon Park Road, Luton LU3 3AA in accordance with the terms of the application, Ref 22/00537/FUL, dated 24 May 2022 , subject to the following 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: Location Plan; 01/02 and 02/02.

   3) Notwithstanding the submitted plans, triangular pedestrian safety visibility splays of 1.8 metres by 1.8 metres shall be provided on each side of the vehicle access to the parking area within the front garden of 71 Sundon Park Road. The visibility splays shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the existing ground level.

Main Issues

2. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the streetscene and (b) sustainable travel options.

Reasons

Character and Appearance

3. The proposed development includes the construction of a dropped kerb and crossover to provide vehicular access to enable off-street parking within the front garden of a semi-detached dwelling. The proposed development would involve the loss of an area of grass highway verge which includes street trees

at regular intervals. The appeal property's front garden has already be laid to hard surfacing and there is an open frontage to the footway which is located between the verge and the carriageway.

4. Based upon the site visit, the west side of the road which includes the property is characterised by 2-storey semi-detached dwellings which are set back from the footway to the rear of front gardens which are landscaped and also used for parking. Some of the gardens have hedges or walls which define the boundary with the footway but others are open. As noted, there is a verge with street trees but this is punctuated at regular intervals by crossovers enabling vehicles to access the front gardens of some dwellings. There is a wide carriageway which had a constant flow of traffic during the site visit.

5. Although there would be a modest loss of part of the grass verge. the proposed development would reflect and preserve the character and appearance of the streetscene rather than cause any unacceptable visual harm. Further, the loss of a modest area of grass verge would not cause significant detriment to biodiversity. The appeal scheme would not involve the need to fell any street trees.

6. On this issue it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the streetscene and, as such, it would not conflict with Policies LLP1, LLP25 and LLP31 of the Luton Local Plan (LP). Amongst other matters, these policies require development to respond to, and preserve, the character of the area and ensure the quality of the local environment is not compromised.

Sustainable Travel

7. LP Policy LLP31 is also concerned with promoting a sustainable transport strategy which includes requirements associated with development but the criteria do not specifically include references to the construction of crossovers or access to parking provision within residential front gardens. Further, the policy does not require, in this case, a householder to demonstrate a need for the vehicle parking spaces albeit there is a criterion referencing sustainable travel choices.

8. It is noted that the Council claim that with the rear parking spaces the total number of spaces available at the property would exceed the maximum of 3 for dwellings as identified in the Local Plan. However, it is reasonable to expect that the main parking area for the property would primarily become the spaces within the front garden rather than those at the rear which are accessed via an unmade track and are less convenient for the occupier of the host property.

9. The proposed development would not prejudice the existing travel choices which the appellant already has available because of the location of the host property, including local bus services, cycling and walking. Instead, the proposed development would enable vehicles owned by the appellant to still be parked off-street. There would not be a conflict with LP Policy LLP31 concerning sustainable travel choices and highway safety matters associated with the appeal scheme. No objection has been raised on ground of the safety of other highway users.

10. For the reasons given, it is concluded that the proposed development would not prejudice the provision of sustainable travel options and, as such, it would not

conflict with LP Policy LLP31. LP Policy LLP1 because of its generic content concerning sustainable development is not considered to be of direct relevance to this issue.

Conditions

11. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance. For reasons of clarity, a condition is necessary to secure the erection of the proposed extension in accordance with the approved drawings.

12. For reasons of highway safety, the suggested condition concerning visibility splays for pedestrians is also necessary. However, the parking area within the front garden is not part of the proposed development and has already been laid out. Therefore, a condition concerning the details of the surfacing and drainage of the parking area is unnecessary. The detailed technical design of the proposed dropped kerb and crossover would be the subject of approval by the Highway Authority as explained in the consultation response to the appeal application.

13. Accordingly, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR