



Appeal Decision

Site visit made on 13 December 2022

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2023

Appeal Ref: APP/B0230/W/22/3303183

66 Castle Croft Road, Luton LU1 5RL

- 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 M Rashid against the decision of Luton Borough Council.
 - The application Ref 22/00203/FUL, dated 31 March 2022, was refused by notice dated 24 May 2022.
 - The development proposed is the conversion of existing 4-bed dwelling into 1 x 2-bed and 1 x 3-bed dwellings and new porch.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has included an amended Site Location and Block Plan (A501 A). The amended plan mirrors the un-revised version considered by the Council (A501) however is presented in colour and provides some clarification on parking, bin storage, landscaping and confirmation that the existing outhouse is to be demolished. As this is a minor amendment, and only seeks to provide clarification rather than alter the proposal, I therefore do not consider interested parties would be prejudiced if I take this amended plan into account, and therefore I have done.
3. The Council's decision notice refers to plan A102 (proposed floor plans) however it is clear that the plan submitted to and considered by the Council was A102 Revision A (proposed floor plans). The Council accept this was an admin error and so for clarification the appeal was considered based on plan A102 Revision A.

Main Issues

4. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the surrounding area
 - whether the development would provide acceptable living conditions for future occupiers with particular regard to outlook as well as the provision of parking and amenity space.
 - The effect on the living conditions of neighbours at No.68 with particular regard to outlook.

Reasons

Character and appearance

5. No. 66 Castle Croft Road is an end of terrace house occupying a corner plot. It is located within a small cluster of similar houses that are set back from the road by an area of green space and mature trees. Opposite the site is a large area of green space, which contains a play area and is lined with mature trees and low metal railings.
6. The surrounding area is predominantly residential and due to most of the houses having an open frontage for either car parking or a front garden it has an open, spacious feel. There are several properties located on corner plots with a similar layout to the appeal site which have open side gardens or parking areas which help to maintain this open characteristic.
7. In order to facilitate the proposal, alterations are proposed which include a new porch on the side elevation which will be the access to the 2-bedroom dwelling. It is also proposed to erect a brick wall with fencing above to a total height of 1.8 metres to enclose a section of the side of the property for a private amenity space for the 2-bedroom dwelling.
8. Whilst it is noted that other corner properties have enclosed their side and rear gardens with high fencing and walls, the appeal property is in a prominent position on Castle Croft Road. This combined with the large area of open space opposite will mean that the proposed porch and boundary treatment will stand out as prominent and incongruous features on the street scene which will erode the open character of the area.
9. The proposed subdivision of the plot will also result in a small, enclosed garden adjacent to the road. This would appear out of character in the area as many of the other gardens are larger and parking areas tend to be open rather than enclosed.
10. I therefore consider that the proposal would cause harm to the character of the area. Accordingly, I find conflict with Policies LLP1, LLP15 and LLP25 of the Local Luton Plan 2011-2031 Adopted November 2017, which, amongst other things, seeks to ensure development responds to and enhances local character.

Living Conditions for neighbours

11. Whilst the boundary treatment proposed would not be along the common boundary with No.68, it would be along the street frontage and therefore be visible from the neighbouring property No.68. This would result in an uncharacteristic feature of the area dominating the outlook from the front.
12. There will be some outlook of the parking area proposed to the side of the property however this is not an uncharacteristic view for the area. There is also a window located on the side elevation of No.68 which will overlook the proposed development however views will largely remain unchanged.
13. Notwithstanding the above, I find that the proposal would cause harm to the outlook of the occupiers of No.68 as a result of the uncharacteristic boundary treatment. This would be contrary to Policy LLP25 of the Local Luton Plan which, amongst other things, seeks to ensure development avoids adverse effects on living conditions.

Living conditions for future occupiers

14. The amenity space proposed for both dwellings would be limited, especially the 3-bedroom dwelling which will only have an amenity space of 80 Sqm which will be less than the recommendation in the Council's standards guidance. Whilst the amenity space for the 2-bedroom dwelling will be larger, it will be of poor quality as it is situated immediately next to Castle Croft Road and will be dominated by an outlook of the side elevation of No.68.
15. The proposed 2-bedroom dwelling would occupy land to the side of the house and, because of the 2 parking spaces provided, would result in a significant part of the garden being occupied by parking which will further reduce the useable space available.
16. It is also noted that the second-floor bedroom is only served by 2 rooflights which whilst would provide some light, views would be mainly of the sky and would therefore result in a poor outlook from this space for future occupiers.
17. Taking these matters into account, I therefore conclude that inadequate amenity space would be provided for future occupiers in respect of both dwellings. Furthermore, the 2-bedroom dwelling would have a poor outlook for future occupiers. The proposal would therefore fail to provide acceptable living conditions, contrary to Policy LLP25 of the Local Luton Plan 2011-2031 Adopted November 2017, which, amongst other things, seeks to ensure development avoids adverse effects on living conditions.
18. Concern has been raised that inadequate car parking spaces are being provided for the development. The proposal shows that 2 parking spaces will be provided for each dwelling which is the maximum standard for parking shown in the Council's parking standards for 2/3-bedroom dwellings.
19. I am therefore satisfied that adequate parking can be provided for the proposed dwellings and the proposal. I therefore find no conflict with Policy LLP32 of the Local Luton Plan which seeks to ensure that sufficient parking spaces are available.

Other Matters

20. I acknowledge that the appeal property is under-occupied and that there is a need for 2 and 3-bedroom dwellings as well as the opportunity to enhance biodiversity. However, whilst these would represent positive benefits of the proposed scheme, these would only be limited and would not outweigh the harm I have identified.

Conclusion

21. For the reasons set out above, and having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR