



Appeal Decision

Site visit made on 30 January 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 23 FEBRUARY 2023

Appeal Ref: APP/B0230/W/22/3306841

43 Oakley Road, Luton LU4 9PT

- 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 Derek & Anthony Healy against the decision of Luton Borough Council.
 - The application Ref 22/00083/FUL, dated 24 January 2022, was refused by notice dated 13 May 2022.
 - The development proposed is the erection of a detached bungalow on land rear of 43 Oakley Road.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site comprises part of the rear garden area of 43 Oakley Road. The existing dwelling at No 43 is a detached bungalow in a spacious plot. It is located on a stretch of the western side of Oakley Road that is characterised by a row of bungalows with relatively spacious rear gardens, that are set back from the road, with front gardens. As such, the prevailing pattern of this section of Oakley Road, to which No 43 contributes is noticeably a recurrence of bungalows similarly set back from and facing the street, set within spacious gardens.
4. In the 2019 appeal decision that dismissed an earlier bungalow proposal of a different size and design at the appeal site¹, the previous Inspector found there to be an open pattern of development deriving from the spacious plots and low density of development. From what I saw during my site visit, this continues to be the prevailing pattern of development in the immediate locality of No 43.
5. The proposed sub-division of the plot and addition of the appeal dwelling would erode the characteristic garden spaciousness of No 43. Also, the intensification of dwelling numbers on the plot, with the addition of a more cramped second bungalow development would result in uncharacteristically small plots at odds with the more spacious, distinctive pattern of development in the immediate locality of the appeal site.

¹ APP/B0230/W/19/3230658

6. I acknowledge the appeal decision provided that relates to a site at 49 Oakley Road where an appeal² was allowed for the construction of two bungalows. Following my site visit, I note the differing characteristics of the appeal site to the site at No 49, given it sits between large undeveloped garden areas and therefore is different to the circumstances of No 49 which is directly adjacent to the backland development to the rear of 51 Oakley Road which forms a cul-de-sac named Juniper Close.
7. There is an example of backland development to the rear of 35 Oakley Road, however this appears as an anomaly in the pattern of development in the vicinity of the appeal site and does not constitute the prevailing character of the area. The appellant states that there is backland development to the rear of 31 Oakley Road, however I was unable to see this during my site visit, and I have not been provided with any block plan or site plan showing the position of a dwelling to the rear of No 31. I viewed 79A and 81 Oakley Road and 102 and 104 Humberstone Road from public vantage points and the dwellings appeared to have road frontage, unlike the proposal subject to this appeal.
8. The fallback position of a potential outbuilding at the appeal site, with a certificate of lawfulness, differs from the appeal proposal in that it would not sub-divide the plot nor entail the access, parking and separation of garden land that forms part of the appeal scheme. Also, an outbuilding would remain visually and functionally linked to the host dwelling. As such, the outbuilding would not erode the character of the area in the way that the proposed appeal dwelling would. This limits the weight that the fallback position carries.
9. I note that there is no objection by the Council to the design of the proposed bungalow and that matching materials would be used to help integrate the scheme into the local area. However, these considerations do not outweigh the harm that I have found above.
10. I therefore conclude that the proposal would harm the character and appearance of the area. As such, it would conflict with Policies LLP1, LLP15 and LLP25 of the Luton Local Plan 2011-2031. Together these policies seek, amongst other things, to avoid over-intensification of windfall housing sites, enhance a sense of place and distinctiveness and preserve or improve the character of the area.

Other Matters

11. The proposal would contribute to the local housing supply in the form of a two-bedroom bungalow, on a windfall site in a relatively accessible suburban location, with associated economic benefits during and after construction. However, these benefits would be limited by the scale of the proposed development. Also, the outbuilding fallback position carries limited weight. Together these factors do not outweigh the identified harm to the character and appearance.
12. The design and siting of the proposed bungalow would not be detrimental to the living conditions of occupiers of existing neighbouring dwellings, the host dwelling or future occupants of the proposed dwelling. However, a lack of harm in this regard does not weigh in favour of the proposal.

² APP/B0230/W/18/3195468

Conclusion

13. The proposal is contrary to the development plan as a whole and there are no other considerations, including the Framework, which outweigh the harm. The appeal is therefore dismissed.

G Dring

INSPECTOR