



Appeal Decision

Site visit made on 21 February 2023

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2023

Appeal Ref: APP/B0230/D/22/3310952

16 Humberstone Road, Luton LU4 9SP

- 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 Ralevic against the decision of Luton Borough Council.
 - The application Ref 22/00687/FULHH, dated 31 May 2022, was refused by notice dated 23 August 2022.
 - The development proposed is the demolition of an existing detached garage and the construction of a new detached garage in the same location.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing detached garage and the construction of a new detached garage in the same location at 16 Humberstone Road, Luton LU4 9SP in accordance with the terms of the application, Ref 22/00687/FULHH, dated 31 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: LU-16LU-EL01 Rev 0; LU-16LU-EL02 Rev 0; LU-16LU-EL03 Rev 0 and LU-16LU-VS01 Rev 0.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in 16 Humberstone Road.
 - 4) The development hereby permitted shall not be used or occupied at any time other than for purposes ancillary to the residential use of 16 Humberstone Road.

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 surrounding area; (b) the living conditions of the occupiers of 14 Humberstone Road and (c) the safety of other highway users.

Reasons

Character and Appearance

3. The proposed development includes the demolition of an existing single storey garage within the host property's rear garden and its replacement by a garage

with a larger footprint and a higher ridge height. By reason of the property's siting at the junction of Humberstone Road and Humberstone Close, there is a wooden fence of about 2 metres in height enclosing the garden fronting the footway of Humberstone Close. The existing garage is substantially screened by the fence albeit its side elevation does form the boundary with a private vehicular access serving other garages sited to the rear of neighbouring dwellings.

4. The existing fence would provide some screening of the scale and massing of the appeal scheme within the streetscene along Humberstone Close. However, because of the increase in height when compared to the existing outbuilding, the proposed garage would inevitably be a more noticeable feature within the streetscene along Humberstone Close projecting above the fence .
5. However, the design, scale and appearance of the proposed development would not be materially different to the garage within the rear garden of 18 Humberstone Road. This other garage is sited on the opposite side of Humberstone Close and is of a similar size and height as the appeal scheme. For this reason, the appeal scheme would not be an incongruous form of development which would be significantly out of character with the existing streetscene.
6. The private amenity space of the host property is located to both the side and rear of this extended dwelling. By reason of the scale of the proposed garage, there would be an increase in the footprint of built development within the property's curtilage. However, there would remain a significant area of private amenity space both to the side and rear of the property and, as such, the appeal scheme would not represent an overdevelopment of the curtilage. The scale of the proposed development would also not be disproportionate to the size of the host property.
7. In undertaking an assessment of the appeal scheme the specific planning circumstances of the proposed garage and the existing streetscene have been considered and an unwelcome precedent would not be established if this appeal succeeds.
8. 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, LLP19 and LLP25 of the Luton Local Plan (LP). Amongst other matters, these policies require development proposals, to be of a high quality design that create quality places and improve or enhance the distinctiveness and character of the area, and for residential extensions, to be consistent with, and proportional to, the principal dwelling, surrounding properties, streetscape and character of the area.

Living Conditions

9. At the rear of 14 Humberstone Road is a single storey rear extension which has at least one opening to a habitable room at ground floor level. The outlook from this window is already affected by the siting of the 2-storey flank wall of the appeal property adjacent to the shared boundary. There is also an outlook towards the existing garage albeit there is an open gap between this outbuilding and the appeal property.

10. Although sited in a similar location, the appeal scheme would have a larger footprint and be higher than the existing garage. The flank wall of the proposed development would be closer to the rear elevation of the host property. Although the outlook from No.14 would change from what currently exists, there would remain a reasonable gap between the proposed garage and the appeal property to avoid an impression of a continuous form of built development along the shared boundary.
11. Further, the proposed garage would be sited sufficiently distant from the rear elevation of No. 14 so that it would not be an unacceptable visual intrusion which would represent an overbearing form of development for the occupiers of this neighbouring property. The outlook for the occupiers of No. 14 from their ground floor rear windows would predominantly remain towards their garden.
12. On this issue it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 14 Humberstone Road and, as such, there would not be a conflict with LP Policies LLP1, LLP19 and LLP25 which include reference to extensions not adversely affecting the amenity of nearby occupiers.

Highway Safety

13. The proposed garage is indicated to provide off-street parking space which would replicate the existing garage. Accordingly, there would not be a loss of a garage parking space associated with the appeal scheme.
14. Between the access gate from Humberstone Close and the existing garage is a hard surfaced area capable of accommodating a parked vehicle. This hardstanding would be reduced in depth by the erection of the proposed garage because of its increased footprint. However, approximately 5 metres of hardstanding would remain between the gate and the front elevation of the appeal scheme. This area of hardstanding would still be capable of accommodating a vehicle parked off-road, whether parallel or perpendicular to the road.
15. It was also noted during the site visit that the property's front garden was being remodelled with what might be off-street parking provision. However, because no details have been provided of the status of these works, including any potential for a crossover from Humberstone Road, limited weight is given to the potential for off-street parking within the front garden.
16. However, at the time of the morning site visit there was limited on-street parking occurring along the adjacent roads and it was noted that a significant number of dwellings had off-street parking. If off-street parking was displaced by the appeal scheme there would be opportunities to park a vehicle on-street without prejudicing the safety of other highway users.
17. For the reasons given, it is concluded that the proposed development would not cause unacceptable danger to the safety of other highway users and, as such, it would not conflict with the National Planning Policy Framework (the Framework) concerning development being prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. LP Policy LLP32 is primarily concerned with parking in the town centre and the maximum parking provision for new development rather than the replacement of a garage.

Conditions

18. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the Framework and the Planning Practice Guidance. Conditions are necessary to ensure that the proposed development is undertaken in accordance with the approved drawings and that the external materials used would replicate those of the host dwelling which is the appellant's intention as stated on the application form.
19. The Council has suggested positive and negative conditions to preclude the use of the appeal scheme for anything other than a garage. However, only a condition which precludes the use of the proposed garage for purposes not ancillary to the host property is considered necessary.
20. Accordingly, and for the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR