



Appeal Decision

Site visit made on 16 May 2023

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 21 June 2023.

Appeal Ref: APP/B0230/W/22/3313641

15 Stanton Road, Luton LU4 0BH

- 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 Surjit Phull (Dream Homes Hertfordshire Limited) against the decision of Luton Borough Council.
 - The application Ref 22/01244/FUL, dated 11 October 2022, was refused by notice dated 22 November 2022.
 - The development proposed is the erection of rear and side extension and conversion of two bedrooms detached bungalow to 2 x 2 bedrooms semi-detached bungalows.
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Decision

1. The appeal is dismissed.

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 host property and the streetscene; (b) the living conditions of the occupiers of neighbouring properties and (c) the safety of other highway users.

Reasons

Character and Appearance

3. The proposed development includes roof, side and rear extensions to a bungalow situated within a primarily residential area where there are a number of other single storey dwellings. The appeal scheme also includes the sub-division of the resulting property into 2 separate dwellings. The appeal property is undergoing alterations following the granting of planning permission for single storey side/rear addition, with alterations to the roof (Ref 21/01543/FULHH), and a rear addition, being erected as permitted development, which was the subject of the prior approval process (Ref 21/01551/PARES). These elements are included as part of the appeal scheme and they provide a demonstrable fallback position to which significant weight is given.
4. A difference between the fallback position and the proposed development is the inclusion of an extension which would infill between the approved side and rear additions. The infill proposed extension would materially add to the scale of the additions associated with the fallback position.

5. Another difference is that the proposed development includes first floor accommodation with a pitched roof extending above the rear addition subject of the prior approval process. This significantly adds to the bulk of the resulting property and, cumulatively, the footprint of the additions, the infill extension and the roof above the rear addition would represent a disproportionate, rather than subservient, increase in the size of the property. In addition, the bulk and size of the resulting property would neither reflect nor respect the scale of the modest sized single storey dwellings which front Stanton Close.
6. Further, although LP Appendix 6 would allow for a reduced size of private amenity space, the small size of the rear gardens for each proposed dwelling would not have regard to the character of the area by reflecting those of the neighbouring properties. In combination, the size of the existing plot, the scale and bulk of the resulting property and the size of the rear gardens would have the impression of a cramped form of development.
7. The Council's reason for refusal refers to the extension of a crossover to enable separate vehicular access to each of the proposed dwellings which would harm the character and appearance of the streetscene. However, although the crossover may be wider than others which exist, there would not be any significant harm caused to the character and appearance of the streetscene. The streetscene would retain the appearance of dwellings being set back from the footways to the rear of front landscaped gardens also used for parking. However, this matter is demonstrably outweighed by the unacceptable harm which has been identified.
8. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and the streetscene and, as such, it would conflict with Policies LLP19 and LLP25 of the Luton Local Plan (2011-2031) (LP). Amongst other matters these policies require high quality design and for extensions to dwellings to be proportionate in scale to the principle properties. These policies are consistent with the National Planning Policy Framework (the Framework) which seeks to promote high quality design. LP Policy LLP1 is a statement about the presumption in favour of sustainable development rather than a specific development management policy.

Living Conditions

9. The approved side extension would have a flank wall sited close to the shared boundary with 13 Stanton Road and would project about 4 metres from the rear elevation of the appeal property.
10. The infill extension element of the appeal scheme would result in a materially longer flank wall being sited adjacent to the shared boundary and it would project about 8 metres beyond the original rear elevation of the property. By reason of the siting and length of the proposed flank wall, the appeal scheme would result in a significant sense of enclosure for the occupiers of No. 13 when viewed from this neighbouring dwelling's kitchen and living room windows, the conservatory and the garden. The massing of the proposed flank wall would visually dominate the outlook of the occupiers of No. 13 and result in an unacceptable sense of enclosure.

11. The unacceptable harm associated with the flank wall would be accentuated by the proposal for a first floor extension with a hipped roof above the rear addition. On its own, this element of the appeal scheme would visually dominate the outlook from the windows of No. 13 which have been identified and also the gardens of both Nos. 13 and 17. Solely by reason of this element of the appeal scheme there would be an unacceptable sense of enclosure associated with outlook for the occupiers of these neighbouring dwellings.
12. Reference is made by the Council to a window in the side elevation of No. 17. However, although it is unclear what type of room is served by this opening, the outlook towards the roof of the property from the window would be similar if the fallback scheme was erected. This would not be a reason for this appeal to fail but the matter is outweighed by the unacceptable harm which has been identified to the occupiers of Nos. 13 and 17.
13. On this issue it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of neighbouring properties and, as such, it would conflict with LP Policy LLP19 which includes reference to extensions not adversely affecting the amenity of nearby occupiers. LP Policy LLP25 is primarily concerned with delivering high quality development and includes reference to the potential effects of new housing rather than domestic extensions.

Highway Safety

14. The Council claims that the proposed crossover would reduce the availability of on-street parking spaces in a controlled area. However, at the time of the morning site visit, there was minimal on-street parking occurring along the adjacent roads and vehicles were predominantly parked off-street. If off-street parking was displaced by the proposed crossover into the surrounding area then there would still be opportunities for local residents to park their vehicles on-street without prejudicing the safety of other highway users.
15. On this issue, 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 Framework concerning development being prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. LP Policy LLP31 is 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. LP Policy LLP32 is primarily concerned with parking in the town centre and the maximum parking provision for new development rather than the construction of crossovers.

Other Matters

16. Reference has been made by the appellant to another appeal scheme which was allowed (Ref APP/B0230/D/18/3203387) but this appeal scheme has been assessed on its own planning circumstances.

Conclusion

17. Significant weight is given to the fallback position. Further, no unacceptable danger to other highway users has been identified. However, these matters are significantly and demonstrably outweighed by the unacceptable harm the appeal scheme would cause to the character and appearance of the host

property and the streetscene and the living conditions of the occupiers of neighbouring properties. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR