



Appeal Decision

Site visit made on 4 July 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 09 August 2023

Appeal Ref: APP/B0230/W/22/3313599

184 Dallow Road, Luton LU1 1NG

- 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 Mehmood Hussain against the decision of Luton Borough Council.
 - The application Ref 22/00734/FUL, dated 9 June 2022, was refused by notice dated 26 September 2022.
 - The development is a front and side canopy with alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have made a slight amendment to the description of the development in order to remove some superfluous wording. A canopy has been completed on the site. However, due to the proposed alterations, the details differ from those shown on the submitted plans. My decision is made on the basis of the details contained in the original application.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the hosts building and the area.

Reasons

4. The appeal site is a retail unit located in a prominent location on the corner of Dallow Road and Clifton Road. Along the Dallow Road frontage, the appeal property is located at the end of a terrace of period properties that have a uniform building line set back from the pavement by shallow front gardens that have largely been paved and which typically have a low front wall. The appeal property also has an elevation that faces Clifton Road and again the properties along this road have a similar appearance being period terraced houses with a uniform building line set back from the pavement by a shallow front garden area. This uniformity and set back creates a simple, uncluttered, and spacious building form and layout that contributes positively to the character and appearance of the area.
5. The canopy is a metal framed painted structure that has shutters which can be pulled down. It wraps around the existing retail unit and fills the gap between the front and side elevation of the appeal property and the pavement. Notwithstanding that it is proposed to reduce the depth of the canopy along Clifton Road and paint it black, it would continue to appear as a prominent and

incongruous feature against the simple form of the existing buildings. Further, it fills the space between the front and side elevation and the pavement introducing an unsightly structure which disrupts the existing uniform building line which harmfully erodes the sense of spaciousness in this prominent location.

6. The appellant highlights that similar developments have been approved in the same area and on that basis the appeal should be allowed. Although, no specific examples were provided, I observed other properties that typically had produce, including fruit and vegetables displayed outside retail units along Dallow Road. However, these other properties typically had awnings above the display areas and therefore looked less permanent. They also did not have the same degree of enclosure as evident at the appeal property. As a result, the relationship these other examples have on their surroundings are materially different and, in any event, their existence does not justify harmful development at the appeal property.
7. I therefore conclude that even taking account of the proposed alterations, the development unacceptably harms the character and appearance of the host building and the area in conflict with Policies LLP1 and LLP25 of the Local Luton Plan, 2011-2031, November 2017. Amongst other things these seek to ensure development is of a high-quality design that responds to and enhances local character. The development is also at odds with the National Planning Policy Framework (Framework) which seeks to ensure that developments are sympathetic to local character.

Conclusion

8. For the reasons I have set out, the development unacceptably harms the character and appearance of the host building and the area. Overall, I conclude that even taking account of the proposed alterations the proposal conflicts with the development plan and the Framework and there are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

S Rawle

INSPECTOR