
Appeal Decision

Site visit made on 7 November 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th November 2023

Appeal Ref: APP/B0230/D/23/3327707
815 Dunstable Road, Luton LU4 0HW

- 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 Mrs Angelina Ashby against the decision of Luton Borough Council.
 - The application Ref 23/00455/FULHH, dated 6 June 2023, was refused by notice dated 1 August 2023.
 - The development proposed is a drop kerb extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a drop kerb extension at 815 Dunstable Road, Luton LU4 0HW in accordance with the terms of the application Ref 23/00455/FULHH, dated 6 June 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: References Ref 1, Ref 2, and Ref 3.

Main issue

2. The main issue is the effect of the proposed development on highway safety for users of Dunstable Road.

Reasons

3. The appeal property is an end terrace dwelling that faces Dunstable Road, which is a busy dual carriageway as it passes the site. No 815 has a dropped kerb that extends across part of its highway frontage. This crossover provides vehicular access from the road to a hard surface area in front of the dwelling that is used for off-road parking. The proposal is to widen the existing crossover so that it extends across the entire highway frontage of the site.
4. In November 2016, the Council granted planning permission for a similar development that was not implemented. Consequently, it has now lapsed. This decision predated the adoption of the Luton Local Plan 2011-2031 (LP), which now forms the development plan. It is against the policies in the LP that the proposal before me should be assessed.
5. The Council raises concern that the forecourt of No 815 is not large enough to accommodate to 2 parked vehicles because the depth falls short of its

minimum standard of 4.9 metres. If a typical family sized or larger vehicle were parked on the site at right angles to the road, it almost certainly would encroach onto the adjacent footway, as the appellant's photographs show. However, a driver could use the existing crossover and park 1 or 2 vehicles side by side in front of the dwelling with the same effect. As such, the prospect of a vehicle overhanging the footway and the risk of it posing an obstruction to others would not be significantly different to the current arrangement.

6. I saw that forward visibility for footway users is reasonably good on the immediate approach to the site, in both directions. I also observed that there is sufficient space within the footway for a pedestrian or cyclist to manoeuvre around an overhanging parked vehicle on the site and the nearby street lighting column. Given that numerous other properties along the same side of Dunstable Road as No 815 have forecourts, dropped kerbs and, at the time of my site visit, parked vehicles that overhang the footway, most people would be aware of the need to be vigilant. In those circumstances, I doubt that the proposal would significantly add to highway danger for footway users nor significantly alter the local townscape.
7. Motorists turning within the site would not be possible and so the proposal would involve vehicles either reversing into the site and exiting in a forward gear or driving in and reversing out. Either manoeuvre might involve some interruption to the flow of traffic along Dunstable Road. However, it would be little different to a driver using the existing dropped kerb that serves No 815.
8. Parked vehicles on the site might hinder the visibility of oncoming road users for motorists exiting the forecourts of the properties on either side of the site, especially if they encroach onto the adjacent footway. However, given the relative infrequency and short duration of such manoeuvres, the low speeds involved, and the prospect that existing on-site parking could have a similar effect, the additional risk to the safety of road users would not be unduly compromised.
9. In summary, the depth of the forecourt to No 815 would fall short of the Council's minimum standard. There may be occasions where a vehicle is parked on site with part overhanging the adjacent footway. However, I am not persuaded in this particular instance that the consequences for the safety of footway and road users would be significantly worse if the existing dropped kerb were to be widened, as proposed.
10. On the main issue, I therefore conclude that the proposed development would not harm highway safety for users of Dunstable Road. Accordingly, it does not conflict with LP Policies LLP25, LLP31 and LLP32. Together, these policies aim to ensure that development reduces the safety risk to motor vehicles, non-motorised and vulnerable users and parking is provided in a way that adverse effects on highway safety are avoided. It also complies with the National Planning Policy Framework, which states that developments should ensure safe and suitable access for all users.

Conditions

11. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. Given the nature of the proposal, it is not necessary to also require that the external materials match those of the

existing building. Therefore, a condition to this effect, as suggested by the Council, has not been imposed.

12. Additional conditions are suggested by the Council, which relate to the role and responsibilities of the Highway Authority and the requirement for on-site vehicle parking to be clear of the public highway. Since these conditions are more akin to advisory notes and the latter issue has been addressed in my decision, they have not been imposed.

Conclusion

13. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be allowed subject to the conditions set out above.

Gary Deane

INSPECTOR