
Appeal Decision

Site visit made on 14 November 2023

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2023

Appeal Ref: APP/B0230/W/23/3320170
75 Byron Road, Luton LU4 0HX

- 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 Tanweer Ahmed against the decision of Luton Council.
 - The application Ref 22/00996/FUL, dated 9 September 2022, was refused by notice dated 2 February 2023.
 - The development proposed is change of use of amenity area to construct a vehicle cross over.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of amenity area to construct a vehicle cross over at 75 Byron Road, Luton LU4 0HX in accordance with the terms of the application, Ref 22/00996/FUL, dated 9 September 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 approved plans: 01/03, 02/03 and 03/03.
 - 3) No development shall commence until details of the materials and drainage to be used in the construction of the vehicle crossover hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Procedural Matter

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description.

Main Issue

3. The main issue is the effect of the proposed vehicle crossover on the character and appearance of the area.

Reasons

4. The appeal site forms part of the grass verge at the front of No. 75 Byron Road (No. 75) a two storey end-terrace property setback from the road behind a

block paved hardstanding area, footpath and grass verge located in a mature well-established residential area. The grass verge in front of No. 75 extends across the front of the row of terraced properties at Nos. 55-81 with a number of trees and a small public amenity area on the opposite side of the road.

5. The narrow and linear grass verge in this location is already somewhat fragmented and disjointed by a number of vehicle crossovers along this section of Bryon Road. No grass verge is apparent in front of the two storey properties immediately to the north-west and south-east of the row of terraced properties at Nos. 55-81, which are typically set back from the road behind front gardens/ driveways and are stepped forward in front of the dwellings at Nos. 55-81.
6. Given the site's location, the proposed vehicle crossover would only be visible over short distances when passing the site. It is seen in the context of the varied design, materials and boundary treatment of the adjacent properties, including the vehicle crossovers at Nos. 71 and 73 Bryon Road.
7. Against this backdrop, the modest scale, siting and form of the vehicle crossover in front of the appeal property would not appear significantly out of place or excessive in relation to the scale and form of the vehicle crossovers within the immediate locality and limits any significant adverse impacts on the street scene. Details of materials and drainage can be controlled through the imposition of an appropriate planning condition.
8. Consequently, I conclude that the development would not adversely harm the character and appearance of the area. It is consistent with the overall aims of Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2017 which, amongst other things, require development proposals to be of a high quality design that improve or enhance the distinctiveness and character of the area. In addition, the development accords with the National Planning Policy Framework (the Framework) that developments should seek to secure a high quality of design that are sympathetic to the local character (paragraph 130).

Conditions

9. Having regard to the Framework, and in particular paragraph 56, I have specified the approved plans as a planning condition as this is necessary to provide certainty. Details of the materials and drainage to be used for the construction of the vehicle crossover are necessary in the interest of highway safety and the character of the area.

Conclusion

10. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR