



Appeal Decision

Site visit made on 3 October 2023

by Nick Bowden BA(Hons) DIP TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2023

Appeal Ref: APP/B0230/W/23/3317373

14 Filmer Road, Luton LU4 9BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr W D Richards against Luton Borough Council.
 - The application Ref 22/01400/FUL, is dated 12 November 2022.
 - The development proposed is the sub-division of existing site and construction of new, detached, single storey dwelling.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The appeal is made due to the failure of the Council to determine the application within the prescribed time period. The Council has not indicated what its decision would have been had it determined the application however a schedule of policies which are pertinent to the development has been provided. Pursuant to Section 16(2) of The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009, I wrote to the main parties indicating my intention to proceed to a decision on the appeal based on the evidence before me. In doing so, I identified what I considered to be the main issues of the appeal and provided both parties the opportunity to comment on them. I have taken the resultant correspondence into account in making my decision.

Main Issues

3. Against this background, the main issues are:
 - a) Whether the proposal is a sustainable form of housing provision, with reference to the accessibility of services and facilities,
 - b) The effect of the development on the character and appearance of the area, and
 - c) The availability of on-site parking provision.

Reasons

Sustainable housing provision

4. The appeal site is set within an established urbanised part of Luton. Policies LLP1 and LLP15 of the Luton Local Plan 2017 (LLP) indicate that growth in homes in places with good concentrations of existing infrastructure will be

encouraged. I have noted the proximity of the site to shops, services and public transport infrastructure in the nearby commercial area of Leagrave with its associated rail station. I further note that the development proposed is for a smaller sized, one bedroom dwelling which may add diversity to the dwelling mix in this area which otherwise appears to be mainly formed of family sized houses.

5. I conclude that the development proposed is a sustainable form of housing provision, with reference to the accessibility of services and facilities. In this respect, it would accord with Policies LLP1 and LLP16 of the LLLP.

Character and appearance

6. The site forms part of the rear garden of 14 Filmer Road where it runs aside Woodbridge Close. The area in the vicinity of the appeal site is comprised of a mix of 20th century two storey semi-detached and terraced houses. These are in a variety of styles and vernaculars but almost exclusively comprise brick-built, and sometimes rendered, homes under tiled pitched roofs. Most homes have front gardens, many of which have been given over to parking provision, and rear gardens.
7. Whilst there are examples of subservient, utilitarian style outbuildings within rear gardens, there is a strong impression of houses forming strong building lines that address the street. Their frontages were clearly designed in this manner. They have considered architectural features such as bay windows and front doors addressing the street.
8. The proposed dwelling would be a single storey structure, partly formed using the existing detached garage. It would be broadly rectangular, although slightly tapered to fit the site, and feature a flat roof. The entrance to the dwelling would be via the existing rear garden of the current host property. It would feature two windows directly addressing Woodbridge Close.
9. The single storey profile and basic, utilitarian design of the dwelling would not harmonise with the established character and appearance of the area as it does not reflect the prevailing features and characteristics of established housing. The site's effective backland location within an existing rear garden would fail to respect the established pattern of development. Consequently, the proposal would have an unacceptable effect on the character and appearance of the area. It would not comply with policy LLP25 of the LLP which requires development to respond positively to the townscape, present active frontages and avoid backland development.

Parking provision

10. The proposal does not incorporate any vehicle parking provision for the new dwelling. I have noted the comments of the highway authority which considers that such provision should be made available. However, the dwelling would have good access to shops, services and public transport infrastructure. Policy LLP31 of the LLP does not set minimum standards for vehicle parking provision. This policy does, however, promote sustainable transport. As such, vehicle parking is not necessary in this case. Cycle storage is indicated on the submitted plans, however I am satisfied that such space could be provided for in the proposed garden area.

11. I therefore conclude on this issue that onsite parking provision would be acceptable. The proposal would accord with the relevant objectives of Policy LLP31 of the LLP and the Framework.

Planning Balance

12. Given the harm that would occur to the character and appearance of the area, I find that the proposed development would conflict with the development plan when read as a whole. In its favour, the scheme would reuse an underused site to contribute a single, energy efficient dwelling to the local supply in an accessible area where I understand single bedroom homes are needed. Surveillance would be improved in this part of Woodbridge Close. The dwelling would provide future occupants sufficient levels of indoor and outdoor space.
13. However, the social and economic benefits of providing the single dwelling would be limited, and ultimately should not come at the unacceptable expense of the character and appearance of the area. Given such, the other considerations before me do not indicate that I should make a decision other than in accordance with the development plan.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Nick Bowden

INSPECTOR