



Appeal Decision

Site visit made on 14 May 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2024

Appeal Ref: APP/B0230/W/23/3331426

18 Walsingham Close, Luton LU2 7AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Dave Powers against the decision of the Council of the Borough of Luton.
 - The application Ref is 23/00704/FULHH.
 - The development proposed is new boundary wall and conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for new boundary wall and conservatory at 18 Walsingham Close, Luton LU2 7AP in accordance with the terms of the application, Ref 23/00704/FULHH, 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 following approved plans: drawings numbered DRG-NO18-100 and DRG-NO18-102.
 - 3) The external materials to be used in the construction of the conservatory and the wall hereby permitted shall be the same colour, texture and design as the external materials of the existing building.

Preliminary Matter and Main Issue

2. The Council's decision notice states that a split decision has been made on the application leading to this appeal with the proposed boundary wall refused but the conservatory granted permission. Under the provisions of section 79(1) of the Act I am able to deal with the appeal as if the application has been made to the Secretary of State in the first instance. As such, my decision covers both elements of the proposal.
3. Even so, I note no objections have been raised by the Council or by any other party to the conservatory. I find no reason for this element of the scheme to be unacceptable. As such, the main issue is the effect of the proposed wall on the character and appearance of the area.

Reasons

4. The appeal property is a house in a residential cul-de-sac. The road passes to the front of the dwelling and down the side of the plot. A boundary wall projects to the side of the house and runs parallel to the road along the length

of the appeal property's back garden. At the end it runs at an angle away from the pavement to meet a rear garage. This wall is set slightly off the pavement with a grass verge in between. The proposed wall would be similar but would lie adjacent to the pavement before turning towards the garage.

5. The appeal property is unusual in Walsingham Close in having a side boundary with the highway. However, the side boundary of the nearby 1 Walsingham Close (No 1) runs along the entrance of the cul-de-sac. A brick wall runs along part of this boundary, next to the pavement with no grass verge. Moreover, there are significant lengths of walls and fences on a nearby stretch of Blakeney Drive, all of which adjoin the pavement. I am advised that the proposed boundary wall would be taller than these features. Even so, its position without a setback would reflect other boundary features in the locality and so in this regard the wall would respond to the current street scene.
6. Also, the proposed wall would have a fairly localised visual impact as it would not be visible until you have entered Walsingham Close. As such, it would not be unduly prominent, particularly when compared to the wall at No 1 and the other referred to boundary features along Blakeney Drive.
7. The development would reduce an open aspect of the plot through the loss of the verge. However, this makes an insignificant contribution to the attractiveness of the area as it is fairly narrow and it is seen in front of the existing boundary wall. The proposed wall would be closer to the road than any nearby dwelling but it is notable that the current wall is already nearer to the pavement than the flank of the appeal property. Therefore, the proposed wall would cause no meaningful detriment to the openness and the visual qualities of the street scene when compared to the existing situation.
8. For these reasons, I conclude the proposed wall would not harm the character and appearance of the area. In these regards, it would accord with policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2017. Amongst other things, these require high quality design with development that preserves and responds to existing character.

Other Matter

9. The angle in the wall would provide drivers leaving the rear garage with sufficient visibility of pedestrians and other road users. I note the highway engineering services consultant raises no concerns with the proposal. Accordingly, I find the development would be acceptable in terms of its effect on highway and pedestrian safety.

Conditions and Conclusion

10. I have sought the appellant's and the Council's views on conditions I consider are necessary and appropriate. No objections have been raised to my suggestions. In the interests of clarity, I attach a condition that requires the development to accord with the approved plans. To ensure a satisfactory appearance, I attach a condition regarding external materials.
11. For the reasons given above, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR