



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: 23 May 2024

Appeal Ref: APP/B0230/W/23/3335020

66 Castle Croft Road, Luton LU1 5RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Rashid against the decision of the Council of the Borough of Luton.
 - The application Ref is 23/00870/FUL.
 - The development proposed is conversion and change of use of a four bed dwellinghouse to 1 two bed and 1 three bed dwellinghouses with front and rear roof light and alterations to fenestration.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the appeal was lodged. The parties have had an opportunity through the appeal process to submit comments on the Framework and I have taken it into account in my assessment.

Main Issues

3. The main issues are (i) the effect of the development on the character and appearance of the area, (ii) whether it would provide satisfactory living conditions for future occupiers in respect of private outdoor space, and (iii) its effect on the living conditions of occupiers of 68 Castle Croft Road (No 68) in terms of outlook.

Reasons

Character and appearance.

4. The appeal property is a residence at the end of a line of houses that curve away from Castle Croft Road and that face parking and grassed areas to the front. The local area is residential although there is a park on the opposite side of the road. Dwellings tend to be set back from the pavement with fairly open frontages. The pattern of housing and open spaces provide a spacious and attractive feel to the area. The occasional boundary features next to the pavement do not significantly affect this open character.
5. Between the side of the appeal property and Castle Croft Road is a private parking area with a low brick wall along the roadside boundary. This fairly open aspect of the property is prominent in the street scene and it contributes towards the spacious quality of the area.

6. The proposal would sub divide the plot so that most of the garden and parking area to serve the proposed 2 bedroom unit would lie between the side of the house and Castle Croft Road. The low boundary wall would be retained but with new railings on top and with new shrubs behind. Also, a similar feature would be provided to the side and rear of 2 parking spaces near to No 68.
7. The proposed boundary features would erode the sense of openness to the side of the property. Also, the introduction of a fairly small and enclosed garden next to the pavement would be unsympathetic to the mainly open feel of other nearby front and side gardens and the street scene. As such, the proposal would appear as an over-intensive use of the plot, at odds with the general pattern of development.
8. I am referred to appeal decision reference number APP/B0230/W/22/3303183 (the previous appeal) that relates to the same property and to a similar proposal. The Inspector with that appeal raises concerns over a porch to the side elevation and fencing to enclose the proposed garden. The scheme currently under consideration includes no new porch and proposes the railings and shrub planting rather than a fence. Nevertheless, the development would still erode the openness of the site and result in an enclosed garden in a prominent location next to the highway. As such, the current scheme fails to address all of the concerns raised by the Inspector on the previous appeal.
9. The appellant suggests the provision of planting as a boundary feature would enhance the visual qualities of the area. However, the natural appearance of the hedge would not fully address nor override the identified detriment to openness, the incongruity of the enclosed garden's position next to the road and the over-intensification of the site.
10. For these reasons, I conclude the development would have a harmful effect on the character and appearance of the area. In these regards, it would not accord with policies LLP1, LLP15 and LLP25 of the Luton Local Plan 2017 (the LP). Amongst other things, these look for development to respond positively to local character and townscape.

Private outdoor space

11. Criterion (xi) of LP policy LLP25 seeks to ensure new housing provides external amenity areas in accordance with standards as set out in appendix 6 of the LP. These include a requirement for an enclosed rear garden of 90m², although for units with 1 or 2 bedrooms a lesser area will be considered.
12. The appeal plans indicate the proposed 3 bedroom unit would have a back garden of 90m² following the removal of an existing outbuilding. The amenity area for the proposed 2 bedroom dwelling is shown as measuring 98m². As such, the plans indicate sufficient garden areas to meet the appendix 6 standard. However, most of the garden to serve the 2 bedroom unit would be in front of the dwelling and adjacent to the highway and so it would not meet the requirement for a rear garden as set out under LP appendix 6.
13. The proposed boundary features would provide a degree of privacy to the outdoor space associated with the 2 bedroom dwelling. Even so, the only garden area to serve this unit would be in an exposed location, close to the highway and so it would provide a poor quality amenity space. To my mind, this would be an unusual arrangement as most houses in the area appear to be

served by gardens to the back, even if they also have additional garden space to the front and side. The park across the road would provide occupiers with an alternative area for recreation but this public space would not serve the same function as a private garden.

14. For these reasons, I conclude the development would not provide satisfactory living conditions for future residents due to the poor quality of the private outdoor space for the 2 bedroom unit. In these regards, it would be contrary to LP policy LLP25. The Council also refer to LP policies LLP1, LLP15 and LLP32 but these include no specific provisions on this issue.

68 Castle Croft Road

15. The aforementioned parking spaces mean the new boundary features would be set away from No 68 and so they would not be easily seen from the neighbour's front windows. Even if they are visible, the main view out from the front of No 68 towards the street would remain unchanged.
16. The Inspector for the previous appeal raised a concern that the development then being considered would dominate the outlook from the front of No 68. However, the current scheme includes a different boundary treatment and so I am not bound to arrive at the same view. To my mind, the development as a whole including the boundary treatments would not appear obtrusive to the occupiers of the adjacent property. Therefore, I conclude the proposal would not harm the living conditions of occupiers of No 68 in terms of outlook. In these respects, the development would accord with LP policy LLP25. LP policies LLP1 and LLP15 are referred to in the Council's third refusal reason but they contain no provisions relevant to this issue.

Other Considerations and Planning Balance

17. While not a refusal reason, the Council claims the internal floor area of rooms in the 2 bedroom dwelling would be substandard. However, I am referred to no local policy that sets out minimum floor space requirements and so I find no conflict with LP policy in these respects. The previous appeal Inspector's concerns regarding poor outlook from the proposed dwelling have been addressed through the provision of a window in the side elevation. Acceptability in these regards is a neutral factor in my assessment.
18. The proposal would add to the housing stock and the provision of additional lawn and planting could enhance the biodiversity value of the site. However, the benefits of the scheme in these respects are modest as only a single extra unit would be provided and the scope to increase biodiversity is limited.
19. I have found the proposal would be unacceptable when considered against the first 2 main issues. As such, it would not accord with the LP when read as a whole. The benefits are of insufficient weight to justify allowing the appeal contrary to the LP.

Conclusion

20. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR