



Appeal Decision

Site visit made on 13 May 2024

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2024

Appeal Ref: APP/B0230/W/23/3327889

64 Mayne Avenue, LUTON, LU4 9LS

- 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 Fazal Qureshi against the decision of Luton Borough Council.
 - The application Ref is 23/00213/FUL.
 - The development proposed is Erection of a 2-Bedroom dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area, and
 - Whether the parking provision would allow the proposal to function well.

Reasons

Character and appearance

3. The appeal site is within a residential area with a suburban character. Local housing is a variety of styles and types, but predominantly consists of two-storey semi-detached properties. These are arranged in regimented rows with gaps of varying widths between them. The site is a corner plot at the junction with Mayne Avenue and Broxley Mead. It consists of the side garden, driveway and garage of the host property and includes a hedge along part of its frontage.
4. Most housing in the area has low front boundaries, with buildings being recessed from the footway. Mayne Avenue is a relatively wide carriageway with wide footways and grass verges. There is also an area of open space opposite Broxley Mead. This sense of openness creates a degree of spaciousness within the estate. The site is relatively exposed due to its higher position in comparison to the frontage of 14 Broxley Mead (No 14) and the predominant low front boundaries of neighbouring properties. The site makes a positive, albeit modest, contribution to the open character and appearance of the area.
5. The proposed dwelling would be a similar height and scale as the host dwelling, with shared design characteristics. It would create a short, terraced row of housing. Although the proposal would in layout terms be aligned with the front building lines of the host dwelling and No 14, it would project towards the junction on a prominent site. Due to the local topography, the proposed

dwelling would be an overt addition to the streetscene presenting its blank side elevation to the street. This elevation includes no articulation of features or architectural interest, emphasising its overall mass.

6. In layout terms the proposal would have access to a relatively small rear garden which would contrast sharply with the size of local gardens. The proposed development would not stand comfortably within the plot, with awkward plot boundaries and a small irregular shaped rear garden. As such, the proposed plot shape and size would not accord with the established pattern of development.
7. It would also create a layout that would erode the existing gap and reduce the space between buildings, with an insufficient gap being retained to maintain the open character of the site. Although it is acknowledged that gaps between dwellings vary across the estate, gaps on corner plots are more prominent and therefore make a greater contribution to an area's spaciousness. The proposed dwelling would appear cramped within its site, having a harmful visual impact on the streetscene and an inconsistent relationship with the surrounding pattern of development.
8. The Council asserts that the proposal would amount to 'overdevelopment' creating an over intensive use of the site. The National Planning Policy Framework (the Framework) supports development that makes efficient use of land while safeguarding the environment. Planning Practice Guidance also provides advice with respect to density¹, requiring consideration of such matters as plot ratio, bedspace per hectare and dwellings per hectare.
9. The Appellant's density considerations demonstrate that the proposed dwelling would occupy 10% of the site, contain only 3 bedspaces over a relatively large area and would have a density ratio of 24 dwellings per hectare. These reflect a scheme that has a relatively low density. However, these considerations do not consider the site's surrounding context, which appears to have a significantly lower density, and therefore does not demonstrate that the scheme would be in character with its surroundings. My assessment of the scheme, and its surroundings, lead me to find that the appeal site would be uncharacteristically small in comparison to neighbouring plots and would not reflect the prevailing density of the area. Accordingly, the scheme would increase the density of the existing plot to a level that would be incompatible, and out of character, with the local grain of development.
10. Therefore, due to its prominent position, uninspiring design and cramped nature, the proposal would fail to complement the character and appearance of the area. Accordingly, the proposal would conflict with the parts of the policies LLP1, LLP15 and LLP25 of the Luton Local Plan [2017] and the Framework that concern matters of character and appearance. these seek, among other matters, for development to not result in an over-intensification of a site and to be sympathetic to local character.

Parking provision

11. The proposed dwelling includes parking provision for two vehicles, this is clearly indicated on the submitted block plan. These are shown to be located in front of the dwelling and would meet the needs of occupiers of the proposal.

¹ Paragraph: 005 Reference ID: 66-005-20190722

12. The full details of the proposed dwelling's access onto the highway have not been submitted in evidence. The existing hedge within the frontage is proposed to be removed. Also, the access over the wide footway would need to be widened to accommodate the driveways of both the proposed and host dwelling. This would result in the reduction of an area of grass verge between the footway and the highway around the junction and may also affect the position of a streetlight.
13. The Council's Highway Authority's Crossover Team have raised concerns due to the site's proximity to the junction. Due to this proximity the Council indicates that an application to widen the crossover may be refused, putting the proposed on-site parking in jeopardy. Nonetheless, it is unclear in the submitted evidence, whether the widening of the existing crossover would be essential as the occupiers of both dwellings may be able to use the existing access.
14. Motorists using the driveway, and the existing dropped kerb, would have acceptable visibility levels, enabling the safe use of the drive, without causing detriment to highway or pedestrian safety. As such, insufficient evidence has been submitted to demonstrate how the use of the existing access would result in substantive harm to highway safety. As a result, the evidence does not substantiate that the proposal would harm highway safety, a finding shared by the Highway Authority. Furthermore, the need or otherwise for a crossover application would be secured by separate requirements and it would be unnecessary to duplicate other legislative requirements and this matter could be addressed through the imposition of a pre-occupation condition.
15. As a result, it is unconvincing that the scheme would be unable to provide safe and accessible parking provision or result in harmful highway impacts through their use. Accordingly, the proposal would comply with the parts of LP policies LLP1 and LLP25 and the Framework that relate to matters of highway safety. These, require development to, *inter alia*, be of high-quality design, be safe and easily accessed by all members of the community and to not have an adverse effect on highway safety.

Other Matters

16. The proposal would be located within a sustainable location, providing its occupiers with good access to goods and services. It would support the local economy during construction and its future occupiers would be likely to spend in the area supporting the local economy. Furthermore, the proposed dwelling, being a two-bedroom property, would meet the identified housing requirements of the Luton Housing Market Area as established in the Council's Strategic Housing Market Assessment. These benefits contribute moderate weight in favour of the proposal.
17. I have noted the Appellant's assertion that various local approved development is comparable to the proposal. I have considered the examples provided including 33 and 35 Mayne Avenue, 21-35 Bramble Road and 8 Turners Road. However, the first example stands within a row of houses. The approved infill development at that site, whilst have an irregular shaped rear garden, clearly filled a space between dwellings in a complementary manner. No's 21-35 Bramble Road stand close together with small gaps between them. However, the corner to the side of No 35 successfully retained the open character evident around the appeal site.

18. The appeal for a dwelling on a corner plot at 8 Turners Road was allowed. The scheme was described as being set at a 45-degree angle to address the corner. The Inspector found that whilst the gap between buildings would be reduced, the scheme would retain gaps to both sides and the frontage would remain open maintaining the site's spaciousness.
19. Two other allowed appeal decisions have been submitted in evidence, for 2 Black Swan Lake and 35 Mayne Avenue. Two Black Swan Lake was for a detached dwelling on a corner plot, in that case the Inspector found that the proposal would not amount to a cramped form of development. Thirty-five Mayne Avenue was for another detached dwelling on a corner plot where the Inspector found the existing site was a large size that was anomalous with the streetscene, and that the proposal would complement the character of local built form. Furthermore, the Appellant has identified that planning permission was given by the Council for a two-bedroom dwelling at 106 Limbury Road, on a generous corner plot.
20. These approved schemes were different in character to the site the subject of this appeal. The context of a site, and the sense of spaciousness evident, varies between sites with any reduction of spaciousness being largely informed by the proposal itself and the spaces retained. Such considerations are based on site specific assessment, as I have undertaken in this case. Each case must be considered on its own merits, and I am unconvinced that the referenced appeals or Council's planning decision are sufficiently similar to weigh strongly in support of the proposal.

Conclusion

21. The proposal would not accord with the development plan, when taken as a whole, and there are no material considerations including the moderate weight conveyed to the benefits of the proposal, that indicate the appeal should be determined other than in accordance with the development plan. As such, the appeal is dismissed.

Ben Plenty

INSPECTOR