



Appeal Decision

Site visit made on 21 May 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2024

Appeal Ref: APP/B0230/W/23/3334799

37 Stanford Road, Luton LU2 0PY

- 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 Shakinthan Thuraiatnam against the decision of the Council of the Borough of Luton.
 - The application Ref is 23/01146/FUL.
 - The development proposed is erection of end terraced 2-bedroom dwelling houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development is taken from the application form insofar as it describes development. However, I have based my decision on the submitted plans which show a single dwellinghouse is proposed.
3. An appeal for a development on the appeal site described as "erection of end terraced 3-bedroom dwelling houses to the side of no 37 Stanford Road land" was recently dismissed¹. This appeal scheme is materially different to the previous proposal including in terms of its width, length, and the number of bedrooms proposed. Consequently, whilst I have had regard to the previous appeal decision, I have determined the current proposal on its own merits.
4. On my site visit, I observed that construction works were underway at the appeal site. The works appeared to involve the erection of a two-storey structure to the side of the existing dwelling. I do not have sufficient information before me to establish the details of the development being constructed or its implications for the appeal scheme. Nonetheless, I have determined the appeal on the basis of the submitted plans and evidence.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The area around the appeal site predominantly comprises a mix of semi-detached bungalows and terraced housing, set back from the highway behind front gardens and driveways. The street has an open character, owing to its generous width, topography, and the good-sized gaps between buildings.

¹ Appeal Ref: APP/B0230/W/22/3310540, dated 20 September 2023

However, the street and driveways are heavily parked. The dominance of vehicles adds visual clutter to the street scene, which has an eroding effect on the sense of space in the local area. The appeal property is a two-storey, end-of-terrace dwelling and lies adjacent to 39 Stanford Road, which is a bungalow.

7. Although the proposed dwelling would be narrower than the previous appeal scheme at the site, it would fill most of the side space between the host property and its boundary with No 39. Therefore, at two-storeys high, it would inevitably diminish public views that can currently be gained between the two properties towards rear gardens and upwards towards the sky. Consequently, it would have a deleterious effect on the open character of the area.
8. However, the appeal site benefits from planning permission for a two-storey side extension, which would have a similar height, width, and length to the appeal scheme. Given the construction works underway at the site, I am satisfied it is reasonably likely the side extension development would be implemented if this appeal is dismissed. On this basis, the loss of side space would not justify refusal of planning permission in its own right.
9. However, as noted in the previous appeal decision at the site, the erection of a dwelling would intensify the use of the appeal site, which would have markedly different effects on local character than the permitted side extension. In particular, and notwithstanding that the dwelling would have only two bedrooms, it would introduce additional domestic items and paraphernalia to the site frontage, including parked vehicles and fencing. These structures would add to the visual clutter on this part of Stanford Road. The proposed dwelling would therefore exacerbate the dominance of vehicles and would further diminish the spacious character of the area, to a harmful degree.
10. In terms of its design, the proposed dwelling would appear subservient to the host property due to its front setback and lower ridge height. Moreover, the proposed hipped roof would reduce the bulkiness of the new dwelling in a similar manner to other properties on the road. The roof design would also enable a tapering down in height towards No 39. Consequently, and given that the details of materials could be secured through condition, the development would be broadly reflective of the appearance of other dwellings on Stanford Road.
11. Flat roofs to the rear of dwellings are an established feature in the area around the appeal site, including on No 37 and surrounding properties. Consequently, the proposed flat roofed sections to the rear of the proposed dwelling would be sympathetic to local context. Furthermore, views of the rear elevation of the proposed dwelling would be largely concealed from public view, and therefore would have a neutral effect on the Stanford Road street scene.
12. Taking all of the above into account, the proposal for a new dwelling on the appeal site would cause harm to the character and appearance of the area. Therefore, there would be conflict with Policies LLP1 and LLP25 of the Local Luton Plan 2011-2031 (November 2017) (LP) and the Framework which, taken together and amongst other things, expect development to respond to and enhance local character and to respond positively to the street scene. There would also be conflict with Policy LLP15 of the LP insofar as it states that new housing should not result in over-intensification of the site.

Other Matters

13. The appeal proposal would make use of an under-utilised part of the appeal site in an established residential area, with good transport links and local amenities. The proposed dwelling would also provide an adequate standard of accommodation for future occupiers. However, these factors carry neutral weight and, consequently, do not overcome the harm that would be caused to the character and appearance of the area.
14. The development would provide an additional dwelling, which would contribute towards the national objective to significantly boost the supply of homes. However, there is no substantive evidence before me to indicate there is a particular shortfall of housing in the local area. Therefore, this benefit carries limited weight in my decision.
15. Although there is no substantive evidence of third-party objections to the proposal, this does not in itself render the scheme acceptable.

Conclusion

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

E Catchside

INSPECTOR