



Appeal Decision

Site visit made on 18 June 2024

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 5th July 2024

Appeal Ref: APP/B0230/W/24/3337528

42 Roman Road, Luton LU4 9DN

- 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 Saeed against the decision of Luton Borough Council.
 - The application Ref is 23/01095/FUL.
 - The development proposed is the conversion of grass verge to create drop kerb for vehicle access.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal upon the character and appearance of the surrounding area;
 - the effect of the proposed parking and access arrangement on highway safety; and
 - the effect of the proposal on the Council's sustainable transport strategy.

Reasons

Character and appearance

3. The appeal property is a semi-detached dwelling with a front hardstanding area and no front boundary wall. This area has been reduced by an extension around the front door area. The site is highly visible from the public highway. There are a significant number of grass verges along the highway and as such, they contribute to the green appearance of the street. However, many of them are in poor condition due to damage from parked vehicles along the highway. Nonetheless, the street scene retains a lush green presence, due to the long-standing cultivation of mature trees and green verges.
4. The proposed development would require the removal of a portion of the existing green verge to accommodate a dropped kerb. This green verge is an important aspect of the streetscape and contributes to the overall aesthetic and character of the area. The grass verge has already been reduced due to the presence of a footway outside the appeal site, and despite its poor condition, any further loss would have a negative impact on the visual appeal of the area. The loss of sections of the grass verge has already disrupted the balance

between built structures and natural elements, which is essential for maintaining the area's charm and attractiveness.

5. In reaching this view, I have considered the fact that the proposed driveway and grassed verge would be constructed by using materials which would allow for the growth of grass and the passage of vehicles. This would involve introducing a heavy-duty thick polyethylene mesh onto the ground, through which grass would grow to create a reinforced grassed surface. Photographs of the material indicate that it would be a strong mesh which would be noticeable from close inspection. Considering the proximity of pedestrians to the appeal site, it would be clearly visible from public views and I am not persuaded that it would be in keeping with the appearance of the wider terrace. While it would likely reduce the visual impact of the proposed development when compared to alternative materials such as concrete, it would still appear as a prominent and discordant feature.
6. There are other dwellings in the immediate locality which also have front car parking areas with a high number of vehicles. However, many of these dwellings do not have dropped kerbs, so are dissimilar to the proposed development. Nonetheless, I have taken these developments into account in terms of any influence on the character and appearance of the area, so far as I am able to based on the information before me. However, I am not aware of the full circumstances of those other cases, and I am not persuaded that the character of the local area has fundamentally changed as a result of these developments. In any event, each scheme must be considered and determined on its individual merits.
7. In conclusion, the proposed development would be harmful to the character and appearance of the surrounding area. It would not respond positively to the street scene, contrary to Policy LLP25 of the Luton Local Plan 2017 (the LP). Accordingly, it would fail to accord with local plan policies, contrary to LLP1 of the LP.
8. The Council alleges conflict with Policy LLP31 of the LP. However, this policy relates primarily to the delivery of a sustainable transport strategy. My attention has not been drawn to any wording in this policy that relates to this main issue. It has therefore not been determinative in my decision on this issue.

Highway Safety

9. The two parking spaces would be located perpendicular to the highway. One of the spaces located on the right is directly in front of the proposed access point and the front door of the property. The other on the left would be offset from the access point, such that any vehicle would need to carry out a turning manoeuvre across the frontage and the footway to enter and exit.
10. The plans do not indicate the dimensions of the potential parking spaces and as such, it is unclear whether they would comply with Policy LLP32, which requires standard parking bays to be approximately 2.4m x 4.9m. Even if the proposed spaces were compliant with this standard, the narrow width of the vehicular access would force a vehicle parked on the left to reverse onto the pavement to use the dropped kerb. The limited visibility in this situation would pose a significant danger to pedestrians caught between a manoeuvring car and other objects, likely leading to a detrimental impact on highway safety.

11. As the dwelling has been partially extended forward, there would be comparatively less available space for the parking space on the right. The narrow depth of the frontage means that any parked vehicle would likely overhang the footway, conflicting with pedestrian use.
12. The plans do not include a visibility splay block plan, making it unclear how visibility might be affected when entering or leaving the parking area. However, the prevalence of parked vehicles around the appeal site would likely impede the sightlines for pedestrians and vehicles. Coupled with the need for vehicles to reverse out, this would significantly reduce the likelihood of safe entry and exit.
13. In conclusion, the proposed parking and access arrangement would have a harmful effect on highway safety. It would create a less usable and safe environment for pedestrians, cyclists and vehicular traffic. This would result in adverse effects on highway safety, contrary to Policy LLP32 of the LP. Additionally, it would also fail to reduce safety risks for motor vehicles, non-motorised, and vulnerable users, contrary to Policy LLP31 of the LP. Therefore the proposal does not accord with local plan policies, contrary to LLP1 of the LP. It would also fail to create a place which is safe and accessible, contrary to paragraph 130 of the National Planning Policy Framework.

Sustainable transport strategy

14. LLP31 of the LP states that planning permission will be granted for developments which minimise the need to travel, reduce road congestion particularly at peak times and provide sustainable transport choices. The proposed development would relocate vehicles which are currently parked on the highway onto the front parking area of the appeal site. There is no evidence before me to suggest that there would be an effective alteration in the number of vehicles in the area.
15. As such, the proposed development would have no meaningful effect on the availability of sustainable transport choices or the need to travel. However, it would reduce road congestion insofar as vehicles parked on the verge of the highway currently limit the available space for passing vehicles to manoeuvre down the highway. Accordingly, it would likely have a beneficial effect on the Council's Sustainable transport strategy.
16. In reaching this view, I have considered the proposed development would result in a further vehicle crossover and loss of greenspace. However, these are not considerations which would have a detrimental effect on these aspects of LLP31.
17. In conclusion, the proposed development would not result in harm to the Council's sustainable transport strategy. In accordance with Policy LLP31 of the LP, it would have a beneficial effect on some of the relevant criteria or otherwise have a neutral effect on them. Accordingly, it would accord with local plan policies, in compliance with LLP1 of the LP.

Other Matters

18. I have considered representations regarding privacy, noise, air pollutants, natural habitat of wildlife, play spaces for children and the risk of flash flooding. However, these are not matters which affect my findings on the main issues.

Conclusion

19. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR