



Appeal Decision

Site visit made on 20 June 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2024

Appeal Ref: APP/B0230/W/24/3336380

93 Limbury Road, Luton LU3 2PJ

- 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 Syed Raza against the decision of Luton Borough Council.
 - The application Ref is 23/00771/FUL.
 - The development is erection of a detached two storey seven bed dwellinghouse with new boundary wall after demolition of existing three bed bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (2023) (the Framework). The consultation and draft Framework do not constitute Government policy or guidance. However, they are capable of being material considerations in appeals. Notwithstanding this, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of the consultation.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on (i) the character and appearance of the area; and (ii) the living conditions of occupiers of 91 and 97 Limbury Road and 1 Viscount Close.

Reasons

Character & Appearance

4. The site is within a predominantly residential area. Some properties in the area have been extended or altered and the design of properties vary. The appeal site is a bungalow, situated on the corner of Limbury Road and Viscount Close.
5. Whilst, in general, properties in the area are two storey the proposed development would sandwich the adjacent bungalow 91 Limbury Road between two large properties, which would be at odds with the surrounding area.
6. The design of the proposed development would be bulky and stark on the modest corner plot and would be incongruous to the streetscene. I conclude

that the proposed development would harm the character and appearance of the area.

7. There is conflict with Policies LLP1, LLP15 and LLP25 of the Local Luton Plan 2011-2031 (2017) (the Local Plan) which seeks amongst other things to ensure developments are high quality design, preserving or improving the character of an area and would not lead to an over-intensification of the site.
8. There is conflict with the Framework which seeks amongst other things to ensure developments are of good design appropriate and sympathetic to their surroundings.

Living Conditions

9. 1 Viscount Close is a two storey property adjacent the rear boundary of the appeal site. There is a degree of separation between the proposed development and 1 Viscount Close due to the detached garage to the rear of the appeal site. Whilst the proposed development would be more dominant than the existing property, the relationship with 1 Viscount Close would not be unusual. The proposed development would not harm the living conditions of occupiers of 1 Viscount Close.
10. 97 Limbury Road is a two storey property opposite the appeal site, separated by the highway serving Viscount Close. Due to the separation the proposed development would not harm the living conditions of occupiers of 97 Limbury Road.
11. Adjacent the appeal site is a modest bungalow, 91 Limbury Close, due to the scale and layout the proposed development would be dominant and oppressive to the occupiers of 91 Limbury Road. The increase in size and proposed windows at first floor along with proposed dormers would exacerbate overlooking of the rear garden of No. 91. I conclude that the proposed development would harm the living conditions of occupiers of 91 Limbury Road.
12. There is conflict with Policies LLP1 and LLP25 of the Local Plan which seek amongst other things for developments to create quality places which respond positively to the surrounding context.
13. There is conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Conclusion

14. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR