



Appeal Decision

Site visit made on 20 June 2024

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

an Inspector appointed by the Secretary of State

Decision date: 08 August 2024

Appeal Ref: APP/B0230/D/24/3337529

102 Alexandra Avenue, Luton LU3 1HJ

- 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 Mrs N Khatun against the decision of Luton Borough Council.
 - The application Ref is 23/01089/FULHH.
 - The development is erection of two storey front and side and single storey rear extensions, rear dormer windows to facilitate loft conversion following demolition of conservatory and existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two storey front and side and single storey rear extensions, rear dormer windows to facilitate loft conversion following demolition of conservatory and existing garage at 102 Alexandra Avenue, Luton LU3 1HJ in accordance with the terms of the application, Ref 23/01089/FULHH, and the plans submitted with it, subject to the conditions set out below:
 - (1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Site Plan - mma. 47 7; Proposed Elevations – mma. 2 7; Plans as Proposed (ground and first floor layout) – mma. 2 4; Plans as Proposed (second floor layout) mma. 2 54
 - (3) The external surfaces of the hereby approved development shall match those used in the existing building.

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.
3. The Council changed the description of development from that stated on the application form. In the interests of clarity, I consider that the amended

description accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.

4. The appellant submitted amended plans with the appeal which detail the ground floor side extension set back to accommodate 2 car parking space on the driveway which would meet the required dimensions of parking spaces as detailed by Policy LLP32, Appendix 2 of the Local Plan. The Council and third parties have not had the opportunity to comment on the plan during this appeal. I am therefore not convinced that parties would not be prejudiced or caused any injustice by me proceeding with the appeal taking into account the amended plans.

Main Issues

5. 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 provision of satisfactory car parking provision.

Reasons

Character & Appearance

6. The site is a two storey detached property located within a predominantly residential area. Property design varies within the area and some properties have been extended or altered.
7. The two-story side addition would extend the existing front façade forward, with a gabled roof feature. The design references feature of the existing property. Whilst the extension would maintain the height of the existing roof ridge, I observed during my site visit that this is similar to other extensions in the immediate area, which vary in design. I understand from the Council that these extensions were approved under a different Local Plan, nevertheless they contribute to the character and appearance of the area.
8. The gable roof form and the additional rear dormer windows over the existing and new roof spaces add to the overall built volume however this would not dominate the appearance and character of the original property and would not appear out of keeping with the surrounding area.
9. There would be limited views from public vantage points to the proposed single storey rear extension, and whilst large it would not be incongruous to the property.
10. I conclude that the proposed development would not harm the character and appearance of the area.
11. There is no conflict with Policies LLP19 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 that an extension is of ancillary scale to the original building.
12. There is no conflict with the Framework which seeks amongst other things to ensure developments are of good design appropriate and sympathetic to their surroundings.

Car Parking

13. Policy LLP32 of the Local Plan seeks a maximum of 3 car parking spaces measuring 2.4m x 4.9m are provided for a 4+ bedroom property as outlined in Appendix 2 - Parking and Cycling Standards of the Local Plan. The proposed development would create a 5 bedroom dwelling.
14. The existing property is a 3 bedroom dwelling which has 2 parking spaces in the form of 1 on the driveway and 1 within the garage, it is contended by the appellant that the garage is not used for parking and is used for domestic storage.
15. The proposed development includes provision for 3 in curtilage car parking spaces. The Council assert that the proposed two storey front projection would result in the depth of parking spaces falling below the Council's parking standard and result in vehicles overhanging the public highway. Whilst this maybe the case the provision of 3 parking spaces is a maximum not a minimum standard. The provision of 2 parking spaces within the retained front area would be achievable, albeit this maybe at an angle.
16. Nevertheless, I observed during my site visit that on street parking occurs and that the proposed parking arrangement which would accommodate 2-3 vehicles on the drive would not be dissimilar to others within the immediate area.
17. The appellant has drawn my attention to appeal decisions at 15 Wychwood Avenue, Luton LU2 7HT¹ in which a similar parking arrangement as that proposed have been allowed, however it is not clear if the size of the parking spaces conforms with the sizes outlined in Appendix 2 of the Local Plan.
18. Notwithstanding this I find that the proposed parking arrangement would be satisfactory. There is no conflict with Policies LLP25, LLP31 and LLP32 of the Local Plan which seek to ensure developments do not harm highway safety.
19. There is no conflict with the Framework which seeks to ensure developments do not compromise highway safety or harm the highway network.

Conclusion and Conditions

20. For the above reasons I conclude that this appeal should be allowed.
21. I have imposed a standard condition relating to the commencement of development and a condition specifying the relevant plans as this provides certainty. In order to safeguard the character and appearance of the area I have imposed a condition concerning materials.
22. The Council have suggested a condition relating to restricting the use of the property as a single family dwelling. I have not been provided with substantive evidence to demonstrate that the property should have permitted development rights removed, or that the proposed development would be to facilitate the creation of another use. The proposed condition is not necessary.
23. Conditions have been suggested by the Council relating to the location of waste bins, creation of a new vehicular crossing, and other works which may affect the highway. I have not been provided with substantive evidence to convince me that these conditions are necessary or reasonable.

¹ APP/B0230/D/19/3230482, APP/B0230/D/20/3252443

C Pipe

INSPECTOR