



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: 9th August 2024

Appeal Ref: APP/B0230/W/24/3337729

7 Rowelfield, Luton LU2 9HL

- 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 G Chirila against the decision of Luton Borough Council.
 - The application Ref is 23/00993/FUL.
 - The development is erection of a two bed detached dwelling house and the provision of two parking spaces to the front of the existing dwelling.
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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.
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.

Main Issues

4. 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 neighbouring properties.

Reasons

Character & Appearance

5. The site is within a predominantly residential area. Some properties in the area have been extended or altered however there is a uniformity to the property form and design within the area. No. 7 Rowelfield, the host property is a two-storey semi-detached property on the corner of Rowelfield and Mossbank Avenue.

6. The proposed detached property would be at odds with the overall form of development in the area, which is dominated by semi-detached properties, notwithstanding this a detached property would not detract from the overall character and appearance of the area.
7. Nevertheless the location of the proposed development would create a prominent addition to the area. The appeal site and No. 9 Rowelfield, which is located opposite the appeal site, create an entrance feature into Mossbank Avenue. Whilst No. 9 has been extended to the side this is single storey and does not detract from the openness of the entrance.
8. I understand that approval has been granted for a first-floor extension to the side of No. 9 which has not been built. I have not been provided with information relating to the timescales for this extension and whether it could be built or whether the permission has lapsed, on this basis I conclude that the proposed development would harm the character and appearance of the area.
9. 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.
10. There is conflict with the Framework which seeks amongst other things to ensure developments are of good design appropriate and sympathetic to their surroundings.
11. My attention has been drawn to appeal decisions relating to development on corner plots. I have not been provided with substantive evidence to compare these developments to the proposal before me. Notwithstanding this each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.

Living Conditions

12. The proposed development would be located on the garden area to the side of No. 7 Rowelfield. Local Plan, Appendix 6, External Amenity Space Standards highlights that new dwellinghouses should provide 90sqm of private amenity space other than for 1-2 bedrooms where a lesser area would be considered. However smaller enclosures could be acceptable having regard to the area and design of the house, and in any event the area shall not be smaller than 45sqm.
13. The appellant contends that 7 Rowelfield a 3 bedroom property, would retain 87sqm of private amenity space, and that the proposed development, a 2 bedroom property, would have 74sqm of private amenity space. The proposed private amenity space would not be out of keeping with the surrounding area and would provide adequate amenity space for both properties.
14. No. 60 Mossbank Avenue is located adjacent the rear boundary of the appeal site. There is a degree of separation between the proposed development and No. 60 due to the detached garage to the rear of the appeal site. Whilst the proposed development would be prominent, the relationship with 60 Mossbank Avenue would not be unusual.
15. A 1.8m boundary treatment is proposed along the rear boundary which would bound the driveway of 60 Mossbank Avenue, this would be oppressive and

dominant for the occupiers of the neighbouring property. Notwithstanding this a condition could be imposed to ensure boundary treatments were appropriate and would not affect neighbouring properties.

16. A dropped kerb is proposed to the front of the property, the Council contend that as this is within 10m from the junction such applications are usually not supported. I observed during my site visit that the existing access to the driveway of the host property is on the corner, similar to No. 9 Rowelfield. The proposed dropped kerb would be further away from the junction.
17. Notwithstanding this I have not been provided with substantive evidence to demonstrate that the proposed development would be able to provide onsite car parking for the host property. Whilst on-street car parking does occur, given the appeal site is a corner plot I am not convinced that on-street car parking would not affect the surrounding properties.
18. I conclude that the proposed development would harm the living conditions of occupiers of neighbouring properties.
19. 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.
20. There is conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Conclusion

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

C Pipe

INSPECTOR