



Appeal Decision

Site visit made on 16 July 2024

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2024

Appeal Ref: APP/B0230/W/24/3339960

72 Hart Lane, Luton LU2 0JQ

- 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 Abid Hussain against the decision of Luton Borough Council.
 - The application Ref is 23/01346/FUL.
 - The development proposed is the erection of a front canopy.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the appeal property and the area.

Reasons

3. The appeal site comprises a convenience store at ground floor with residential accommodation above. It is positioned within a small, terraced parade of shops with a uniform building line and deep open forecourts, within a predominantly residential area.
4. The shopfront itself is glazed; with a centrally positioned door and a roller shuttered garage style door to the side. The open forecourt area, which is used for parking, the sale of goods and refuse storage, gives this section of the road a spacious feel and positively contributes to the appearance of the area.
5. The proposed extension is described as a canopy. However, it would be a substantial construction with a fixed roof and glazed front and sides. It would project forward of the building line by approximately 3m, much further than bay windows or porches on residential properties nearby. As a result, it would disrupt the uniform building line of the parade of shops introducing a visually discordant feature that would appear incongruous in the terrace. Despite other shops in the parade having alterations and bay window features on some of the residential properties on Hart Lane, the uniform building line of the terrace remains intact and is the dominant characteristic of this part of the Lane.
6. The use of glazed panels and the lack of external alterations to the shopfront, does not overcome the harm identified. The appellant states that the front elevation of the proposal would be fitted with a roller shutter which would be in keeping with others in the parade. Nevertheless, no details of a roller shutter are included in the proposed plans. Notwithstanding, given the prominent position of the proposed extension, any roller shutters on the front elevation of

the proposal are likely to appear particularly imposing and stark in the street scene.

7. Therefore, for the reasons identified above, I conclude that the proposed development would harm the character and appearance of the property and area. The proposed development would conflict with Policies LLP1 and LLP25 of the Luton Local Plan 2011-2031. These policies require development to preserve or improve the character of an area and respond positively to the street scene. The proposal would also be contrary to the aims and objectives of the National Planning Policy Framework (the Framework) in so far as it requires good design that adds to the overall quality of an area.

Other Matters

8. The appellant has advised that they have tried unsuccessfully to increase the floorspace of the shop which would mean that goods for sale were able to be kept under cover. However, it is unclear if alternative options exist or have been explored. I am therefore not persuaded that the proposal before me is the only means by which increased floorspace or by which goods for sale could be covered. This matter does not outweigh the harm which would be caused to the character and appearance of the property and area contrary to the provisions of the development plan and the Framework.
9. I acknowledge that the appellant has made several amendments to the proposal including altering the materials and reducing the depth of the extension. However, my considerations are based solely on the scheme before me. I have determined the appeal on the basis of what is proposed, the information provided and its consequent effects. This matter does not outweigh the harm that I have identified above.

Conclusion

10. For the reasons set out above, having considered the development plan as a whole and having taken all other matters raised in account, I conclude that the appeal should be dismissed.

V Goldberg

INSPECTOR