



Appeal Decision

Site visit made on 01 October 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2024

Appeal Ref: APP/B0230/W/24/3338597

Land Adjacent To 342 Poynters Road, Luton, Bedfordshire LU4 0TN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr M Hussain against the decision of Luton Borough Council.
 - The application Ref is 23/01273/PERMIP.
 - The development proposed is described as proposed erection of a detached dwelling on land adjacent number 342 Poynters Road, Luton, Beds LU4 0TN.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) (PiP) establishes whether a site is suitable in-principle, and the second (technical details consent) (TDC) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for PiP is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if PiP is granted. I have determined the appeal accordingly.
4. The application was supported by a block plan showing a site layout. I have treated this as being for illustrative purposes only.

Main Issues

5. The main issues are whether the site is suitable for residential development, having regard to its location, the proposed land use and amount of development.

Reasons

Location

6. The site comprises a generous corner plot within a residential area at the junction of Poynters Road and Brunel Road. Housing in the surrounding area predominantly comprises 2-storey semi-detached and terraced dwellings which are set back from the road. This regular pattern of development creates a pleasant sense of uniformity within the surrounding area. Dwellings which

occupy corner plots have generally retained their generous plot sizes, contributing to a degree of spaciousness within the area.

7. The site consists of a side garden. The sense of spaciousness it affords, together with other front and side gardens in the surrounding area, provide a spacious feel which contributes positively to the character and appearance of the area.
8. The appeal proposal seeks permission in principle for the erection of a dwelling. Details of the precise design and siting of the dwelling would form part of the TDC application. Nevertheless, the development of the side garden would result in a harmful loss of the sense of spaciousness that the site contributes to the wider area.
9. Given the site size and layout any residential development on the site would be detached and would extend beyond the prevailing building line on Brunel Road. This would appear particularly prominent given the site's exposed corner plot location and would be at odds with the dwellings which characterise the surrounding area, harming the established character and appearance of the area.

Land use and amount

10. As a proposal for housing which would be located within a residential area, there is little reason in principle to anticipate a conflict in land use.
11. The Council raise concerns regarding the reduction in amenity space for 342 Poynters Road. However, the remaining garden would be of a similar size to other properties in the surrounding area. The site appears to have the capacity to accommodate a dwelling of a similar scale to properties in the area with a similar amount of amenity space. Given this I have not been presented with any compelling reason to find that the site does not have the capacity to accommodate the amount of development proposed or that it would result in an unacceptable loss of amenity space associated with no. 342.
12. There are no details before me regarding the size of the dwelling or the proposed parking arrangements. Nonetheless, these details would form part of the TDC application and consideration of these matters, including whether the proposal would meet recognised local housing need, would be addressed at that stage.

Conclusions on site suitability

13. Whilst I have identified that there would be no conflict in relation to the land use and amount of development proposed, the site would not be a suitable location for residential development having regard to the effect on the character and appearance of the area. It would therefore conflict with those aims of Policies LLP1 and LLP25 of the Luton Local Plan (2017) (LP) and the National Planning Policy Framework that concern matters of character and appearance.
14. Whilst referenced by the Council, I find no conflict with those aims of LP Policies LLP15, LLP31 and LLP32, which, amongst other matters, concern housing provision, parking and the Council's sustainable transport strategy.

Other Matters

15. The Government's objective is to significantly boost the supply of housing and the proposal would provide one dwelling on a small site at low risk of flooding with good access to facilities, services and public transport. There would be short-term economic benefits arising from the construction process and council tax revenues in the longer term. These matters weigh in favour of the proposal. However, these benefits would be limited given the scale of the development.
16. Both parties have referenced an appeal decision at 344 Poynters Road. However, the full details of that case are not before me and my conclusions with regards to the main issues have been drawn in relation to the proposal before me.

Conclusion

17. The proposal conflicts with the development plan and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, I conclude the appeal should be dismissed.

N Robinson

INSPECTOR