



Appeal Decision

Site visit made on 18 November 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2024

Appeal Ref: APP/B0230/W/24/3349146
60 Marsh Road, Luton LU3 2NJ

- 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 S Vamadevan against the decision of the Council of the Borough of Luton.
 - The application Ref is 24/00480/FUL.
 - The development is described as 'erection of rear outbuilding and retention of store room (retrospective)'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I observed on my visit that the rear outbuilding (described on the drawing as a staff room) and the store room appeared largely complete, although the latter's walls had not been finished with facing materials. I will address the facing materials in my reasoning, but in other respects I have dealt with the appeal on the basis of the retention of the existing development.
3. Whilst the Council states that the layout of the staff room lends itself to being a self-contained residential unit, I have dealt with the scheme on its planning merits and on the basis of the uses depicted on the drawing.

Main Issues

4. The main issues are the effect of the development on:
 - the safety and convenience of highway users;
 - the living conditions for the occupants of the flats at 60 Marsh Road ('No 60'), with particular regard to outlook and amenity space; and
 - the character and appearance of the area.

Reasons

Safety and convenience of highway users

5. The Highway Development Control Manager maintains that on-street parking in the area is oversubscribed. The Council states that the space occupied by the development was depicted as off-street parking to serve the flats at No 60, in accordance with planning permission references 18/00197/FUL and

19/00955/FUL ('the permitted schemes'), and that without it, parking congestion in the area will get worse.

6. For my part, I observed that there are parking restrictions along most of this stretch of Marsh Road, and that many properties on Norton Road have no off-street parking. Whilst it represents a snapshot in time, there were few on-street parking spaces available on Norton Road at the time of my visit. Thus, whilst there are some public transport options within walking distance, I have no cogent reason to doubt that this is an area with significant parking congestion. That impression is corroborated by photograph 1 in the appellant's statement.
7. I have few details of the permitted schemes, but I observed a sliding gate at the back edge of the pavement on Norton Road, which appears to have provided vehicular access to an off-street parking area within the site. Given the store room's location behind and close to that gate, the parking area is no longer available. Although the appellant states that off-street parking can be provided, no such area is depicted on drawing No P1, and it is unclear from the evidence before me where it could be safely and conveniently located, or what space it could provide.
8. Amongst other things, Local Luton Plan 2011-2031 (2017) Policy LLP31 seeks to provide a safe transport system which reduces road congestion, particularly at peak times. For the above reasons, whilst I am not persuaded that the scheme has had a significant impact on highway safety, it fails to make appropriate provision for off-street parking to the inconvenience of highway users, and it thereby conflicts with that approach.

Living conditions

9. There is a flat in the single storey extension to the rear of No 60, and another flat in other parts of the building. Whilst I do not have the details of the permitted schemes, I understand that the land occupied by the store and staff rooms, which has been severed from the remainder of the site by a fence, provided some of their amenity area.
10. The appellant calculates that the retained outdoor area immediately to the rear of No 60 amounts to around 68 sqm. In my view, it provides a conveniently located, adequately sized, space for the occupants to sit outside, or to perform typical outdoor domestic tasks; and which is commensurate with the area's context. Given the limited height of the store room, and the depth of that open space, the occupants of the ground floor flat continue to have a satisfactory outlook, which is not harmfully enclosed.
11. As a result, on this issue, the scheme does not conflict with those parts of Local Luton Plan Policies LLP1, LLP19 and LLP25 which require high quality, healthy places, and development which respects nearby occupiers' amenities; nor with the National Planning Policy Framework ('Framework') requirement to ensure a high standard of amenity.

Character and appearance

12. The staff and store rooms are located towards the rear of this corner plot, where the mixed character of Marsh Road meets the more residential character of Norton Road. Whilst their small scale, flat-roofed, single storey form is at odds with the larger two storey houses on Norton Road, it also serves to limit

their visual impact such that, in the streetscene, only the uppermost sections of their walls can be glimpsed above the boundary fence and gate.

13. Thus, whilst much of the space to the rear of the original building at No 60 is now occupied by structures, the scheme has not significantly impacted any limited sense of spaciousness in this location. Should the appeal be allowed, the store room could be provided with appropriate facing materials in accordance with a planning condition.
14. The scheme has not therefore harmed the character and appearance of the area. On this issue, it does not conflict with those parts of Local Luton Plan Policies LLP1 and LLP25 which require development to preserve the character of an area, having regard to matters such as the context, form, scale, height, materials, and pattern of development; nor with the Framework's general design principles.

Conclusion

15. Summing up, the scheme has not harmed the character and appearance of the area, and it has not harmfully affected living conditions in the flats at No 60. However, based on the available evidence, it has had a detrimental effect on the convenience of highway users. Consequently, having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR