Planning Inspectorate

Appeal Decision

Site visit made on 22 October 2024 by T Morris BA (Hons) MSc

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2024

Appeal Ref: APP/B0230/W/24/3343836
694 Dunstable Road, Luton LU4 8SE

- 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 M Khan against the decision of Luton Borough Council.
- The application Ref is 24/00162/FUL.
- The development proposed is described as 'Demolition of single storey extension to 694 Dunstable Road to form area for three bedroom three storey detached house'.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The drawings before me show a gable sided roof, as well as a dormer window to the front elevation and two dormer windows to the rear elevation on the existing dwelling. However, the evidence before me indicates that there is no relevant planning history and I saw on my site visit that the existing dwelling has a hipped roof and no dormers. The gable sided roof and dormers to the existing dwelling are also not included in the development description. The appeal has therefore been assessed on the basis of the current situation, having regard to the specific reasoning and reasons for refusal in the Council's officer report and decision notice which relate to a proposed dwelling.

Main Issues

4. The main issues are the effect of the proposed development on:

   i) the character and appearance of the area; and

   ii) the living conditions of No 101 Stoneygate Road, with particular regard to outlook and privacy.

Reasons for the Recommendation

Character and appearance

5. 694 Dunstable Road (No 694) is a detached dwelling situated within a predominantly residential area. This part of Dunstable Road features a wide dual carriageway with buildings setback on both sides of the road. No 694 is amongst a row of large, detached buildings running from 678 to 696 Dunstable

Road with hipped main roofs. These buildings are all set within generous plots and have wide frontages, contributing towards a spacious residential character. This contrasts with dwellings on the opposite side of Dunstable Road which includes smaller semi-detached and detached dwellings which are more closely knit and these are visually separated from the appeal site by the dual carriageway, grass verges, footpaths and trees.

6. The proposal's frontage and plot width would be significantly narrower than other plots in the row from 678 to 696 Dunstable Road. This would be emphasised by the comparatively narrow width of the dwelling and its gable sided roof which would be at odds with neighbouring roof forms and would draw the eye to the dwelling's more slender form. Despite the retention of gaps to either side, this would not obviate the harm as gaps between the dwellings are not the defining feature of this row, as demonstrated by the proximity of Nos 678 to 692, which despite being close host substantial dwellings within generously proportioned plots. The proposed dwelling would therefore appear as a cramped and incongruous addition to the street scene which would be contrary to the building forms and more expansive characteristics of neighbouring plots to this side of Dunstable Road.

7. The appeal decisions[1] at 40 Boxted Close, 8 Turners Road South, 2 Black Swan Lane and 1 Kinmoor Close and the planning permission[2] at 106 Limbury Road, all show developments which appear to be more reflective of the characteristics of their own context including in terms of neighbouring plot widths. With regards to the appeal decision at 35 Mayne Avenue[3], I saw on my site visit that Mayne Avenue is characterised by dwellings of a mixed type and design and a variety of plot sizes. Indeed, the Inspector on that decision identified that particular site as being an anomaly within the street scene, due to it being a corner plot, larger than most of the other surrounding properties. For these reasons, none of the examples provided are the same as the site-specific context of the appeal proposal.

8. Whether or not the proposed development complies or conflicts with the different measures of density as set out by the appellant, my recommendation is based on the character and immediate context of the appeal site. As acknowledged by the appellant, paragraph 9.9 of the Luton Local Plan (LP) (2017) states that 'using density as a measurement does not adequately address issues of character and context, therefore development must also have regard to plot ratio, development mix, scale and form to help identify spaciousness as a reflection of character'.

9. I conclude, the proposed development would have a harmful effect on the character and appearance of the area. The proposal would conflict with Policies LLP1 (Presumption in Favour of Sustainable Development), LLP15 (Housing Provision) and LLP25 (High Quality Design) of the LP, which require that development preserves or improves the character of the area and enhances the distinctiveness and character of the area by responding positively to the townscape, street scene, site and building context, form, scale, height, pattern and materials.

[1] Appeal Refs. APP/B0230/W/20/3245128, APP/B0230/W/17/3172008, APP/B0230/A/11/2156043 and APP/B0230/W/22/3312023
[2] LPA Ref 14/01570/FUL
[3] APP/B0230/W/21/3277281

Living conditions

10. The rear garden of No 694 is of modest depth and shares a boundary with the rear garden of 101 Stoneygate (No 101). No 101 is a detached bungalow with a side elevation facing towards the rear elevation of No 694. The intervening boundary between these dwellings comprises a wooden panelled fence which runs all the way along the rear garden of No 694. Whilst there is some planting in the rear garden of No 101 along the boundary, this is of a modest height and does not provide comprehensive screening at the boundary.

11. The existing dwelling at the appeal site contains rear facing windows at the first floor which face in the direction of No 101. Whilst it is already possible to see into the rear garden of No 101 from these windows, due in part to the shallowness of the rear garden at the appeal site, this is from an oblique angle and is partly obscured by a side extension and shed at No 101.

12. Conversely, the rear elevation of the proposed dwelling would be more closely aligned with the rear garden of No 101. Consequently, views into the rear garden serving No 101 would be more direct from the proposed dwelling over its own garden of shallow depth. These views would also be from multiple levels as the proposal also includes a second-floor level window serving its roof space. This would result in an unacceptable loss of privacy when experienced from the rear garden of No 101.

13. While the proposal would be very noticeable from the rear garden of No 101, the relative spacing would be sufficient to ensure the dwelling would not unacceptably enclose outlook when experienced from the windows and garden serving No 101. Even so, this would not overcome the overlooking impacts identified.

14. I conclude, the proposed development would have a harmful effect on the living conditions of occupiers of 101 Stoneygate Road, with particular regard to privacy. In this regard, the proposal would conflict with Policy LLP25 (High Quality Design) of the LP, which seeks to deliver new housing which minimises overlooking.

15. For the same reasons, the proposal would also conflict with Section 12 of the National Planning Policy Framework (the Framework) which states that developments should create places with a high standard of amenity for existing and future users.

16. The Council also state that the proposal would conflict with Policies LLP1 (Presumption in Favour of Sustainable Development) and LLP15 (Housing Provision) of the LP. However, neither of these policies relate to the effect of development proposals on living conditions. Even so this does not diminish the conflict with Policy LLP25 and the Framework.

Other Matters

17. The appellant contends that the proposal would provide a suitable amount of garden space for occupiers of the proposed dwelling. While the Council's officer report raised concerns regarding this matter, a deficiency in garden space did not form part of the reasons for refusal on its decision notice. In any case, it has not been necessary to reach a definitive conclusion on this matter, as even if I were to find that suitable provision of garden space would be made, this

would not alter my conclusions under the main issues or lead to an alternative overall recommendation.

18. The proposal would make a positive, yet limited contribution towards housing provision in the area. This is in the context that there is no evidence before me to suggest that the Council is not meeting its housing requirements or that there is a critical need for housing in the area. Moreover, it does not justify the harm identified under the main issues.

Conclusion and Recommendation

19. For the reasons given above, I recommend that the appeal should be dismissed since it would conflict with the development plan.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Russell

INSPECTOR