



Appeal Decision

Site visit made on 10 December 2024

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2024

Appeal Ref: APP/B0230/D/24/3351963

29 Anmer Gardens, Luton, LU4 0HB

- 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 Anthony Richardson against the decision of Luton Borough Council.
 - The application Ref is 24/00279/FULHH.
 - The development proposed is the erection of front forecourt side brick boundary walls.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was lodged a revised National Planning Policy Framework has been published. Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal, and that proceeding without seeking further comments from the parties would not be prejudicial to their cases.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the appeal site and the surrounding area.

Reasons

4. The appeal property is an end-terrace dwelling located in a prominent position towards the entrance of the cul-de-sac of Anmer Gardens. As a development, this housing group is cohesive in terms of design and form, and the open front gardens and driveways contribute to its character. However, the front gardens of the houses on the eastern side of the road entrance are more altered, with some enclosed with fencing, walls and railings.
5. There is a brick wall with inset wooden panels to the rear garden of the appeal property, but this does not extend forward of the main element of the house. Continuing the enclosure along the side of the front garden, albeit at lower heights, would result in a visually intrusive feature out of keeping with the more open frontages of the cul-de-sac to the west. This visual intrusion would be exacerbated by the prominent siting of the dwelling close to the entrance to the road, and by the proposed mix of wall heights and detailing. Although the proposed wall on the western boundary would be less prominent and of more consistent height and

design, it would nevertheless appear as an incongruous feature in the open street scene.

6. The Council's officer report states that the site does not retain its permitted development rights to erect a fence, wall or other means of enclosure to the front of the dwelling. The appellant advises that the photographic evidence supplied shows that a low wall enclosed the front garden in 2009, although it appeared to have been lower in height and of simpler design than now proposed. I note the appellant's view that a test of reasonableness must be applied, and that this proposal should be considered in terms of reinstatement. However, from the evidence provided it is unclear how long ago the previous wall was demolished, and there is currently no wall at the site offering a 'fallback' position.
7. I am mindful that there are other boundary enclosures which have been constructed in the road. Although the Council's report indicates that none of these have planning permission and a number are subject to current enforcement investigations, the appellant's information suggests that they are immune from enforcement action through the passage of time. However, for the most part¹, these examples are not directly comparable to the proposal in terms of prominence, and/or design, scale and materials. Regardless of their status, they are exceptions in the street scene, and the proposal would undermine the more open character and appearance which prevails in the western section of Amner Gardens. In this regard, I do not consider that a precedent has been set, as suggested by the appellant, but equally, the proposal would not prevent other cases being determined on their site-specific merits.
8. I note the appellant's view that the open plan design of the estate means that residents have no sense of their common boundaries and, with little scope to delineate where one boundary ends and the other begins, these properties are open to on-street parking problems, as well as the impact of litter blowing into their gardens. However, viewed on the ground, the pattern of driveways and changes in surfacing materials within the cul-de-sac seemed to clearly identify plot boundaries, including the highway verge. Whilst I do not doubt that indiscriminate parking and litter may create issues at times, I am not persuaded that this would justify the permanent visual intrusion of the proposal.
9. I therefore conclude that the proposal would detract from the character and appearance of the appeal site and the surrounding area. This would conflict with Policies LLP1, LLP19 and LLP25 of the Local Luton Plan 2011 – 2031 (2017), which together require all new development to preserve or improve the character of the area, and to respond positively to the street scene and site.
10. For the reasons given above the appeal should be dismissed.

H Lock

INSPECTOR

¹ A similar style is noted at 7 Amner Gardens, but as that site is next to a footway into a public open space and a public parking area, the context is materially different.