



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: 31 December 2024

Appeal Ref: APP/B0230/D/24/3353802

17 Montrose Avenue, Luton, LU3 1HW

- 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 Mohib Ali against the decision of Luton Borough Council.
 - The application Ref is 24/00696/FULHH.
 - The development proposed is extension of existing vehicle cross over.
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Decision

1. The appeal is dismissed.

Procedural Matters

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.
3. In the appellant's appeal statement, it is suggested that if the proposal is not allowed, a lesser extension be accepted. However, no plan or detail of a reduced scheme is provided, and in any event, there is no facility to amend the proposal under the householder appeals process. As such, I have not taken this suggestion into account.

Main Issues

4. The main issues are the effect of the proposal on (1) highway safety, with particular reference to pedestrians, and the Council's sustainable transport strategy; and (2) the character and appearance of the appeal site, the street scene and surrounding area.

Reasons

Highway Safety and Sustainable Transport

5. The appeal property is located on Montrose Avenue, which is a classified road. The house is served by a dropped kerb at the eastern end of the site. The whole of the frontage width is hard surfaced and there is no front boundary treatment. At points across the frontage, the depth of the hardstanding is restricted by the pillars of a porch and a bay window. At the time of the appeal site visit, a vehicle was parked

on the site in front of this bay, slightly overhanging the site and projecting into the footway.

6. According to the submitted layout plan, the proposal would facilitate the parking of three vehicles on site, but the location of the third space would be poorly aligned with the crossover extension. As a result, it would appear that access and egress into the third space would involve awkward manoeuvring across the footway. Moreover, the difficulty of accessing the third space would be exacerbated if the central parking space on the frontage were occupied.
7. The consultation response of the highway authority recommended that pedestrian visibility splays of 1.8 x 1.8 metres be provided on either side of the extended access, within which there should be no obstruction to visibility exceeding a height of 600 mm above the existing ground level. Visibility splays have not been shown on the submitted layout plan, but at the appeal site visit it appeared that the front hedge of 19 Montrose Avenue would restrict visibility for vehicles emerging from the third parking space. This, combined with the potential for a vehicle to overhang the footway, and the awkward manoeuvres required to access the third space from the extended crossover, would result in unacceptable risks to the safety of pedestrians on the footway.
8. As part of the Council's sustainable transport strategy, Policy LLP31 of the Luton Local Plan 2011 – 2031 (2017) (LP) supports developments which give priority for buses, pedestrians and cyclists, but which also reduce the safety risk to non-motorised and vulnerable users. On the basis of the evidence supplied, I am not convinced that the addition of a third space at the site would undermine the Council's strategy, but it would introduce, rather than reduce, safety risks.
9. I note the appellant's view that highway safety for pedestrians would be improved as there would be less effort to reverse the car in to a space which is already used occasionally. However, I am not convinced that the crossover extension proposed would enable easy access to the third space, and if the space is only in occasional use the existing hazards to pedestrians would be reasonably limited.
10. The appellant advises that the proposal would also prevent a vehicle being parked on the street, thereby avoiding obstruction of pedestrians and other motorists. It was evident at the appeal site visit that it is not uncommon for vehicles to park straddling the footway and road along this and other streets. Whilst this may have an impact on the usability of the footway for pedestrians, I am not convinced that the proposal would improve safety in this regard, as it would not prevent a vehicle parking in the gap between the extended crossover and that of No.19.
11. I am mindful that one purpose of the proposal is to reduce walking distances for an elderly resident at the property. However, this would appear to be achievable with the two existing parking spaces on the frontage. Furthermore, with the layout proposed, parked vehicles could obstruct access to the front door of the property, thereby hindering accessibility for residents and visitors.
12. I therefore conclude that the proposal would result in the potential to introduce additional hazards for pedestrians on the footway. This would conflict with the overarching aims of LP Policy LLP1, and the requirement to create safe and easily accessed spaces and to optimise and improve accessibility to walking, set out in LP Policy LLP25; with the strategy to achieve sustainable transport which is safe

and accessible, as required by LP Policy LLP31, and to provide parking spaces which avoid adverse effects on highway safety, as set out in LP Policy LLP32.

Character and Appearance

13. Vehicle parking is part of the character of Montrose Avenue, with many properties having partly or fully hard surfaced front gardens for this purpose. As such, vehicle crossovers are an established part of the street scene, and their extent varies. In particular, where the crossovers of adjacent properties are next to each other, they create single, wide dropped kerbs. The appellant has also drawn attention to the crossover at 12 Montrose Avenue, although no details of any planning permission for that access has been provided, and as such it is not known what policies and highway standards applied when it was constructed.
14. Whilst I acknowledge that it is not typical for single properties to have such wide crossovers, the proposal would not materially impact upon the character and appearance of the street scene. The existing frontage is open and hard surfaced, and this proposal would not facilitate any change in appearance, or the visual contribution made by this property to the street scene. I appreciate the Council's wish to avoid more noticeable effects at properties where a dropped kerb extension would involve a loss of enclosure and landscaping, but this would not arise in this case. As such, this decision would not set a precedent for the Council's assessment of applications with more extensive visual impact.
15. I therefore conclude that the proposal would not detract from the character and appearance of the appeal site, the street scene and the surrounding area, and as such would not conflict with LP Policy LLP1, which amongst other criteria requires all new development to preserve or improve the character of the area; nor with LP Policy LLP25, which requires proposals to respond positively to the street scene and site. The quality of the local environment would not be compromised, as required by LP Policy LLP31. However, this does not alter my conclusion of harm on the first main issue.

Conclusion

16. For the reasons given above the appeal should be dismissed.

H Lock

INSPECTOR