



Appeal Decision

Site visit made on 18 December 2024

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 January 2025

Appeal Ref: APP/B0230/D/24/3350427

223 Turnpike Drive, Luton LU3 3RD

- 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 Adeel Iqbal against the decision of Luton Borough Council.
 - The application Ref is 24/00355/FULHH.
 - The development proposed is the erection of a boundary wall.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. The content of the revised Framework does not materially change the national policy basis for the assessment of this appeal.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the character and appearance of the host property and the streetscene.

Reasons

4. Planning permission has already been granted by the council for the re-siting of a side boundary wall at the appeal property which is situated on a corner plot (Ref 23/1001/FULHH). This approved wall would enclose an area of grass currently situated between the existing side boundary wall and a footway. There are examples within the surrounding area of other side boundary walls being sited adjacent to the back edge of footways.
5. The difference between the approved scheme and the appeal scheme is that the proposed side boundary wall would project further forward than the approved wall resulting in an additional part of the property's amenity space being enclosed. This additional enclosure of a relatively small area of amenity land within the property's curtilage would not materially alter the character and appearance of the generally open and spacious streetscene when compared to the approved scheme.
6. There is a porch and a front door sited within the property's side elevation and they are visible walking along the roads as being the main access to the property. From what was observed during the site visit, there are other dwellings on corner plots

within the surrounding area which have a similar design with their porches and front doors being visible as the main access to these dwellings.

7. By reason of siting, the appeal scheme would enclose the porch and front door and they would be hidden to the rear of a substantial wall requiring access to be initially gained via a gate. The visibility of the front door would be lost from the roads. Even where there are means of enclosure associated with other dwellings, their front doors remain visible as the main access.
8. Accordingly, the proposed development would not represent a high quality of design because the enclosure of the porch and front door by the proposed substantial wall. Further, the appeal scheme would also fail to positively respond to the character and appearance of the host property and other similarly designed dwellings which contribute positively to the streetscene along the neighbouring roads.
9. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and the streetscene and, as such, it would conflict with Policy LLP19 of the Luton Local Plan (LP) which, amongst other matters, promotes high quality design which enhances the distinctiveness and character of the area by responding positively to the streetscene, site and building context. LP Policies LLP1 and LLP19 are not considered to be of direct relevance to the appeal scheme because they concern a generic presumption in favour of sustainable development and refer to the design requirements for extensions and annexes rather than the erection of boundary walls.
10. The council has raised a concern that if this appeal succeeded then an unacceptable precedent would be established. However, this appeal has been determined based upon its planning circumstances and, as such, it is concluded that it should be dismissed.

D J Barnes

INSPECTOR