



Appeal Decision

Site visit made on 6 January 2025

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2025

Appeal Ref: APP/B0230/W/24/3349182

174 Gardenia Avenue, Luton LU3 2NT

- 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 Zia Islam against the decision of the Council of the Borough of Luton.
 - The application Ref is 23/01495/FUL.
 - The development proposed is erection of two bed detached bungalow with associated parking and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. The parties have been invited to comment on the revised Framework, and I have taken the comments received into account.

Main Issue

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

Reasons

4. There is some variety in the building heights and styles in and around Gardenia Avenue, but most properties in the area are two-storey dwellings formed in linear rows along the street frontages. The cul-de-sac of St Joseph's Close and St Andrews Mews lies to the rear of these linear streets, but the layout retains consistency with the local character in that the dwellings are arranged as a collective group and are orientated to face the road. In contrast, the appeal site, and the rear gardens and outbuildings that surround it, have a backland character with no street-facing presence.
5. The addition of the proposed dwelling would lead to a small uplift in housing density in this well-established residential area. However, whilst the proposed garden would be smaller than most others nearby, it would accord with the minimum standards for gardens set out in Appendix 6 of the Local Luton Plan 2011-2031 (November 2017) (LP). Moreover, the retained outdoor amenity space for the host property would be similar in size to proximate gardens at 158 and 160 Gardenia Avenue and 163-173 Blundell Road. Consequently, the space around the dwelling would be in-keeping with some other developments in the area. For

this reason, I am not persuaded the proposal would result in over-intensification so as to render the principle of the scheme to be contrary to Policy LLP15 of the LP.

6. However, whilst the single-storey height of the proposed dwelling would be viewed in context with the low-profile of the nearby sheds and garages, it would be significantly taller and greater in overall scale than those outbuildings due to the combined effect of its footprint and roof height. Moreover, whilst I observed a small number of bungalows close to the appeal site, including on St Joseph's Close and on the corner of Trinity Road and Neville Road, they are the exception rather than the norm. Consequently, due to its height, width, and depth, the proposal would have an incongruent appearance in its immediate setting, and it would also be at odds with the prevailing two-storey height of most other dwellings on Gardenia Avenue and surrounding streets.
7. Moreover, as a single dwelling located to the rear of Gardenia Avenue, the proposal would be inconsistent with the established pattern of frontage development in this part of Luton. In this regard, the proposal would differ significantly from the development on St Joseph's Close and St Andrews Mews, which contains a group of properties arranged cohesively along the road frontage. Due to its siting, and the amount of housing proposed, the development would therefore fail to integrate sympathetically with local character.
8. There would be limited views of the proposed dwelling from public vantage points owing to its position behind existing buildings. However, the building would be unduly prominent when observed from the rear windows and gardens of nearby homes due to its incongruent siting and appearance. Moreover, the lack of publicly accessible views does not negate the need to secure high-quality design that is sympathetic to local character, as this is a clear requirement of the development plan and the Framework.
9. Overall, I conclude that the proposal would cause harm to the character and appearance of the area. It would therefore conflict with Policies LLP1 and LLP25 of the LP insofar as they seek to secure high-quality design that preserves, improves, and responds positively to local character.

Planning Balance

10. The proposal conflicts with the aforementioned development plan policies and with the development plan when read as a whole. Proposals that conflict with the development plan should normally be refused unless material considerations indicate otherwise.
11. The evidence is not definitive as to the housing land supply in the Borough. However, if I were to accept the appellant's position that there is a shortfall against the housing land supply requirement set out in the Framework, paragraph 11d) of the Framework would be engaged. The proposal would not affect an area or asset of particular importance listed in footnote 7 of the Framework, therefore the proposal would fall to be considered under the provisions of paragraph 11d)ii.
12. I have identified harm would arise to the character and appearance of the area. This would conflict with the Framework insofar as it seeks to ensure development is well-designed and sympathetic to local character.

13. The decision notice does not cite harm in relation to highway matters and parking, the standard of proposed accommodation, or the living conditions of neighbours. Based on the evidence before me, I see no reason to take a different view on these matters. The absence of harm weighs neither for nor against the proposal.
14. Benefits would arise from the proposal, including the provision of an additional home in a well-established area with good access to services and facilities by sustainable travel modes. Indeed, the Council acknowledges that the Strategic Housing Market Assessment identifies a need for dwellings of this size. The property could also provide level access suitable for older people and people with disabilities, and it could potentially free-up other homes for families if future occupants were to relocate from a larger property. The dwelling would therefore contribute to local housing needs and would support the national objective to significantly boost the supply of homes.
15. However, whilst the Framework supports development that makes efficient use of land, it expects decisions to take account of the desirability of maintaining an area's prevailing character, which I find to be the key determinative matter in this appeal. Moreover, the contribution that would be made to local housing supply by this single dwelling proposal would be modest.
16. Overall, the cumulative weight of the benefits in this case would be moderate, even if there is a significant shortfall in the housing land supply position.
17. Taking all of the above into account, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole and having particular regard to the policies referenced in footnote 9. Consequently, the presumption in favour of sustainable development would not apply.

Conclusion

18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

E Catchside

INSPECTOR