



Appeal Decision

Site visit made on 4 February 2025

by **N Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th February 2025

Appeal Ref: APP/B0230/D/24/3350691

191 Wheatfield Road, Luton LU4 0TU

- 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 Michael Snoxell against the decision of Luton Borough Council.
 - The application Ref is 24/00325/COU.
 - The development proposed is the change of use of grass verge to hardstanding and a vehicle crossover.
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Decision

1. The appeal is allowed and planning permission is granted for hardstanding and formation of a vehicle access at 191 Wheatfield Road, Luton LU4 0TU in accordance with the terms of the application, Ref 24/00325/COU, and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with plan nos. DC01, DC02, DC04, DC05, DC06, DC07, DC08, DC09.
 - 3) Notwithstanding the submitted plans, triangular pedestrian visibility splays of 1.8 x 1.8 metres must be provided on either side of the new access. The splays shall be positioned within the site at right angles to the highway (measured at highway boundary/site boundary). The visibility splays as so described shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the existing ground level.

Preliminary Matters

2. I have repeated the description of development given on the application form and on the Council's decision notice in the banner heading above. However, in allowing the appeal I have adjusted this to more accurately reflect the development that is shown on the plans and described in the supporting documentation. This is because the laying of hardstanding and crossover is not a change of use in this context.
3. The parties were consulted on this change and raised no objections. These amendments and substitutions can be made without prejudice to either party, as there is no substantial difference or a fundamental change to the application. As the parties were invited to comment, this would not cause procedural unfairness to anyone involved.

Main Issues

4. The main issues are:

- 1) The effect of the proposed development on the character and appearance of the area, and
- 2) Whether there is a demonstrable need for the proposed development having regard to achieving more sustainable modes of transport, enhancing natural assets including biodiversity, reducing carbon emissions, risk of flooding, and increase energy and water efficiency and quality or other considerations.

Reasons

Character and appearance

5. The appeal site comprises a semi-detached house which is set along a row of similarly styled homes at the end of a cul-de-sac. The homes are all set well back from the road with long and attractively landscaped front gardens. Although there are a few limited exceptions, the front gardens in this cul-de-sac part of Wheatfield Road do not generally feature any vehicle parking to the front of homes.
6. The proposal would result in the formation of an area of hardstanding at the front of the property together with a vehicle access onto Wheatfield Road. The area of hardstanding has already been formed.
7. Whilst the introduction of this hardstanding, in addition to the loss of grass verge on the highway, would remove part of this green area, it would nevertheless be relatively contained. Much of the front garden would remain as landscaped garden such that there would not be a complete erosion of this attractive backdrop. The manner in which the hardstanding has been formed is muted and gives way to the green space behind it. This effect is emphasised due to the slope of the land that would allow the appreciation of the garden area in spite of parked vehicles to the front. As such, I am unable to find that this would result in serious harm to the character and appearance of the area.
8. I therefore conclude that the proposal would not be harmful to the character and appearance of the area and thus complies with policies LLP1, LLP25 and LLP31 of the Luton Local Plan 2011-2031 (adopted 2017) (LLP) insofar as responds positively to the townscape, street scene and context.

Need for the development

9. The appellant has not demonstrated how the proposal would achieve more sustainable modes of transport or contribute to, or avoid the erosion of natural assets including biodiversity, reducing carbon emissions, risk of flooding, and increase energy and water efficiency and quality. This is excepting for the ability to charge an electric vehicle on the driveway.
10. However, I am mindful that it is indicated that the proposed development would assist in the at-home care for a person with disabilities. This type of at-home care avoids the need for families to be separated and assists in reducing pressure on specialist accommodation. I find this to be an important consideration here as

withholding permission for this proposal may deleteriously impact upon this care and the family lives of the occupants.

11. Therefore, whilst the proposal has not demonstrated compliance with all elements of policies LLP1, LLP25 and LLP31 of the LLP, the need to support a disabled person for their at-home family care is of sufficient weight to justify these non-compliances. I therefore conclude that the proposal complies with the provisions of the development plan when read as a whole.

Conditions

12. I have imposed the Council's recommended conditions with edits and modifications. Conditions are imposed with a general time limit in order to comply with the provisions of the Act, to secure adherence to the approved plans in the interests of certainty and to ensure pedestrian visibility splays from the access in the interests of safety.

Conclusion

13. The proposed development would not be harmful to the character and appearance of the area. Whilst the proposed development has not demonstrated how it would achieve more sustainable modes of transport or contribute to, or avoid the erosion of natural assets including biodiversity, reducing carbon emissions, risk of flooding, and increase energy and water efficiency and quality; there are mitigating circumstances in this instance which indicate that a decision should be made other than in strict accordance with policy LLP31 of the LLP. The proposal complies with the development plan when read as a whole and therefore, for the reasons given above, the appeal should be allowed.

N Bowden

INSPECTOR

