



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: 25th February 2025

Appeal Ref: APP/B0230/W/24/3350906

Land adjacent to 1 Skimpot Road, Luton LU4 0HR

- 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 S Ijaz against the decision of Luton Borough Council.
 - The application Ref is 24/00477/FUL.
 - The development proposed is change of use to vehicle storage and vehicle crossover.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address given on the application form referred to 913 Dunstable Road. This however relates to a neighbouring property and is not an accurate description of the site. I have therefore used the site address provided by the Council on its decision notice and used on the appeal form.
3. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. As the changes to the Framework do not materially affect the main issues in this case, the parties have not been invited to comment on this. References in this decision to the Framework relate to the most recent version.

Main Issues

4. The main issues are:
 - 1) The effect of the proposed development on the character and appearance of the area,
 - 2) The effect of the proposed development on the living conditions of the neighbouring property at 1 Skimpot Road, and
 - 3) Whether the proposed development would be detrimental to highway safety due to conflicting vehicle movements.

Reasons

Character and appearance

5. The appeal site is set within a busy area of mixed commercial and residential uses. The commercial uses are in the form of a hotel, supermarket and filling station, small take-away next door and commercial/retail park further to the rear of the site. Most homes are in the form of semi-detached and terraced houses addressing the street. The area is punctuated by busy roads along

Dunstable/Luton Road and Skimpot Road and they form a large roundabout at their junction to the front of the appeal site. The site addresses this roundabout and comprises a triangular parcel of land with its long edge addressing the roundabout.

6. The site is presently surrounded by approximately 2 metre high enclosure panels with a gated vehicle access over a pedestrian underpass. This access leads to a lay-by which is off the main circulation part of the roundabout. The land behind the enclosure has been laid to gravel/hardstanding and is used for the parking of vehicles. The evidence provided by the Council indicates this is not the lawful use of the land which was formerly a grass landscaped area adjacent to the roundabout with advertising hoardings behind. It appears to me that these former advertising hoardings have been re-purposed as the enclosure panels.
7. The change in the surfacing material for the land and its enclosure removes an open area of grass which would have provided a pleasing backdrop to an otherwise distinctly urbanised environment. The enclosure panels are set on the boundary with the footpath and present as an intrusive and oppressive addition to the street scene, particularly for pedestrians. Even if the enclosure panels were removed, this would then present an exposed and unsightly area of hardstanding and gravel that would be dominated by parked vehicles. Whilst the appellant states that only ten vehicles would be parked on the land, it is apparent that space exists for more as is illustrated on the plans. The enclosure panels may provide security however this would be giving a benefit to the unauthorised use to the detriment of the character of the area.
8. The proposal is harmful to the character and appearance of the area due to the enclosure of the land, change in surfacing and use for the parking vehicles. This conflicts with policies LLP1 and LLP25 of the Luton Local Plan 2011-2031 (adopted 2017) (LLP) insofar as it does not contribute to enhancing the sense of place or preserve or improve the character of the area.

Living conditions

9. The proposed development is set in close proximity to properties addressing 1 Skimpot Road and 913 Dunstable Road. These properties would be affected by the noise and movement of vehicles. The Council consider that, given the size of the site, this is liable to be more than ten vehicles and I have no reason to disagree with this assessment. Indeed, it was clear at the time of my site visit that more than ten vehicles were parked at the site.
10. Vehicles would be parked and manoeuvred near to both neighbour's boundaries. The size of the site and potential for engines running, doors slamming, maintenance and other activity is cause for concern here. No measures have been nominated by the appellant to mitigate these impacts and therefore the proposal has the distinct potential to cause intrusion, noise, disturbance and pollution from fumes.
11. Whilst the Council's decision notice only expresses an objection in relation to the impact upon the residents of 1 Skimpot Road, concern is also expressed in the Officer's Report to a first floor flat at 913 Dunstable Road and I share these views.
12. The proposal would be detrimental to the living conditions of the occupants of neighbouring properties due to increases in intrusion, noise and disturbance. This

would be contrary to policies LLP1 and LLP25 of the LLP in that it does not create a high quality healthy place.

Highway safety

13. The access to the site is via a lay-by off the roundabout on the junction with Luton/Dunstable Road and Skimpot Road. This roundabout is a busy four-way intersection serving several major through routes through the town and numerous commercial premises in the immediate locality. The roundabout is lane marked for three lanes of traffic. The lay-by is presently demarked with double yellow lines.
14. The access to the site is narrow and likely only capable of accommodating one vehicle at any time, whether that be accessing or egressing the site. The approach to the access would be via the roundabout which is clearly not designed for this purpose. No indication has been given of visibility splays from the exit from the site onto the roundabout.
15. The appellant indicates that there would be only one movement per day and this would be via the lay-by. This suggestion is, however, not qualified or supported by any evidence on the nature of the use or its intensity. This notwithstanding, given the context of this access, I find that any movements to or from this site are highly likely to result in conflict between users. Moreover, as the precise nature of the use of the site is unclear, I am unable to accept the appellants argument relating to there only being one movement per day. In any case, this, in its own right is sufficient to be cause for objection due to the potential conflicts with users of the busy roundabout.
16. I note that vehicles park in the lay-by however this is illegal due to the presence of the double yellow lines and I therefore cannot take this matter into account in support of the proposal. Indeed, this weighs against it as the use of the lay-by for vehicle parking may encourage this to the detriment of highway safety.
17. I therefore conclude that the proposal conflicts with policies LLP1, LLP25 and LLP32 of the LLP insofar as it would not be a safe access for all members of the community.

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.

N Bowden

INSPECTOR