



Appeal Decision

Site visit made on 25 February 2025 by E Street BSc (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 April 2025

Appeal Ref: APP/B0230/W/24/3355991

147 Butely Road, Luton LU4 9EW

- 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 Ashleigh Mackinnon against the decision of Luton Borough Council.
 - The application Ref is 24/00783/FUL.
 - The development proposed is the change of use of amenity space to use as private garden land and erection of new boundary fence with parking provision.
-

Decision

1. The appeal is dismissed.

Appeal Procedure and Preliminary Matters

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal. In addition, a revised National Planning Policy Framework (the Framework) was published prior to the determination of this appeal. The substantive parts of the new version do not however differ from the previous insofar as they relate to the main issue. The cases of the main parties will not therefore be prejudiced by my reference thereto. I also note that the description of development refers to a boundary fence with the plans showing a wall. Since these were the plans before the Council, I have referred to a wall in my recommendation.

Main Issues

3. The main issues are the effect of the proposal on a) the character and appearance of the area; and b) highway safety with specific regard to visibility.

Reasons for the Recommendation

Character and Appearance

4. The appeal site is a semi-detached dwelling on a corner plot siding both Butely Road and Liston Close. Buildings are generally set back from the road with parking provision to the front or side. These instances of space on the corner of junctions lend a pleasantness to the planned open and consistent nature of the estate which, along with the symmetry of buildings and spaces as they fall around junctions, contributes positively to its character and appearance.
5. The proposal would present a high and blank wall to the street corner. The scale and length of which would result in an incongruous form of development which would detract from the prevailing open character of the street scene. It would also erode the strong building lines which have been formed by the setback of dwellings

by being a prominent forward feature. The height of the wall in its proposed location would be imposing to users of the area and give the feel of closing off the open space. Whilst the parcel of land is currently concrete hardstanding, this doesn't diminish the importance that it serves as open space and a buffer between the dwelling and highway.

6. The pleasant symmetry found on the entrance of Liston Close by virtue of the setbacks would be lost and replaced with a substantial feature. This symmetry is also mirrored and retained on roads such as Hunston Close and Trimley Close. Therefore, this proposal would detract from the original planned development and harmfully impact on the consistency found. There are instances of high walls and fences adjacent the highway, however they are not in prominent corner positions such as this one and follow the natural pattern of the estate.
7. With this and the above in mind, the appeal scheme would cause unacceptable harm to the character and appearance of the area. It would therefore conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2017 (LLP) and the Framework which together seek to ensure that development proposals are of a high-quality design and standard.

Highway Safety

8. The current parking provision is to the side of the property located on Liston Close which has unrestricted views and adequate visibility in both directions. The proposal would provide an additional parking space along with the introduction of a 1.8m boundary wall directly adjacent to one. By virtue of the placement of the wall along with its height, the line of sight to the right towards the junction of Butely Road and Liston Close would be entirely obscured. Drivers exiting the driveway would have to pull out across the pathway and into Liston Close to be able to see sufficiently to the right if they were moving forwards. As a result, the bonnet would all but be blocking the pathway and into the highway. This would not only cause a hazard to pedestrians also but risk a vehicular collision. Vehicles may exit the parking space concerned backwards but this direction of travel would bring with it other complicated issues with the driver's field of vision and the risk of pedestrian or vehicle collisions would remain.
9. Current residents may be aware of a number of other cross overs along the road. However, neither this nor the resulting low speed that vehicles might be travelling at on their approach to the junction with Butely Road would be sufficient to make up for the potentially dangerous situations I have explained. The appellant has advised that there have been no accidents, however this would be based on the current situation and not the appeal scheme. The proposal would therefore result in an unacceptable impact to highway safety. It would thus conflict with Policies LLP1, LLP19 and LLP25 of the LLP and the relevant paragraphs of the Framework which together seek to ensure that highway safety is secured for the users of new and existing development.

Other Matters

10. Any perceived communication concerns between the main parties would be for them to make a comment on and not for me to resolve in this appeal which is concerned with the planning merits of the proposed development. I appreciate that the appellants are looking to continually improve the property, however, it is not

sufficiently clear that the proposed development is the only way of meeting the needs of the family.

Conclusion and Recommendation

11. For the reasons given above, the appeal scheme would not comply with the development plan, and I have been given no compelling reason, taking into account other material considerations advanced, to deviate therefrom. I therefore recommend that the appeal should be dismissed.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR