



Appeal Decision

Site visit made on 6 May 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/B0230/W/25/3359448

354 Poynters Road, Luton LU4 0TW

- 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 Besmir Cuni against the decision of Luton Borough Council.
 - The application Ref is 24/01238/FUL.
 - The development proposed is described as 'Change of use of grass verge to hardstanding and crossover for 354 Poynters Road. Reinstate part of dropped kerb as grass verge for dropped kerb serving no. 352 Poynters Road'.
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Decision

1. The appeal is allowed and planning permission is granted for the 'Change of use of grass verge to hardstanding and vehicle crossover for 354 Poynters Road and the reinstatement of part of the existing crossover serving 352 Poynters Road to grass verge' at 354 Poynters Road, Luton LU4 0TW, in accordance with the terms of the application, Ref 24/01238/FUL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following drawings: SP0101 (Site Plan Block Plan), A0103 (Parking Provisions) and A0102 (GA Plans Proposed).
 - 3) Notwithstanding the approved plans, the proposed vehicle crossover shall not be first brought into use until pedestrian visibility splays of 1.8 metres by 1.8 metres have been provided on either side of the new access, in accordance with a plan to be first submitted to and approved in writing by the Local Planning Authority. The splays shall be positioned within the site at right angles to the highway (measured at the highway boundary/site boundary). The approved splays shall thereafter be permanently maintained free of obstruction to visibility over 600mm in height above existing ground level.

Preliminary Matter

2. In my decision above, I have amended the description of development from that given on the application form to more precisely capture the nature of the development.

Main Issues

3. The main issues in determining this appeal are:

- the effect of the development on the character and appearance of the area; and
- whether the development would accord with other requirements of the Development Plan, having regard to biodiversity, the water environment, sustainable transport and energy.

Reasons

Character and appearance

4. The appeal site comprises a semi-detached dwelling at 354 Poynters Road, Luton. It also includes the adjacent footpath and grassed verge directly in front of the appeal dwelling, as well as part of the existing vehicle crossover serving the neighbour at 352 Poynters Road.
5. The north-eastern side of Poynters Road is predominantly residential in character, with dwellings enjoying similar set back distances from the roadside. There are four existing vehicle crossovers serving residential properties between the junction of Brunel Road to the east and the appeal site, with all being single drive width except for the one serving No. 352, which the plans show as 6m wide. On the opposite side of the road are commercial uses also set back behind wide grass verges and vegetation. Both sides of Poynters Road are tree lined, with established tree specimens set amongst deep grassed verges, giving the area an open, verdant character and appearance.
6. The proposed plans show that a new 2.5m wide vehicle crossover would be punctuated through the grass verge directly in front of No. 354 to allow a vehicle to access the front garden for parking. The plans also show that the existing 6m wide crossover fronting No. 352 would be narrowed to 3m wide. Therefore, the proposed arrangement would increase the amount of grass verge present compared to the existing situation.
7. The evidence before me suggests that the approved¹ crossover outside of No. 352 was incorrectly installed and that it should have been only 2.8m wide. Notwithstanding the approved plans, the 6m wide crossover in situ is now well established and part of the street-scene. Indeed, there is nothing to indicate the anomaly would be remedied without the appeal scheme. Reducing the width of the neighbouring crossover outside of No. 352 would better reflect and align with the existing crossovers to the east which are single drive width. However, even with an additional verge crossing, there would still be a visual betterment to the street-scene. This would arise from the improved sense of rhythm to the spacing of the crossovers and the overall quantum of green space in the public realm, which would in turn improve the sense of visual cohesion.
8. Therefore, I find the development would have an acceptable effect on the character and appearance of the area. I identify no conflict with Policies LLP1 or LLP25 of the Local Luton Plan 2011-2031 (2017) (Local Plan) which amongst other things,

¹ under Planning Reference 19/01134/FULHH which included a vehicle crossover to access hardstanding parking to the front garden – granted permission in 2019.

requires developments to respond to and enhance local character, contributing to enhancing the distinctiveness and sense of place.

Other requirements of the Development Plan

9. Policies LLP1 and LLP25 of the Local Plan require developments to protect, respond to and enhance the natural environment, including biodiversity. Criterion viii) of Policy LL25 also seeks to 'reduce carbon emissions, risk of flooding and increase energy and water efficiency quality.' Policy LLP31 of the Local Plan sets out a sustainable transport strategy which, amongst other things, seeks to reduce congestion by minimising the need to travel.
10. The second reason for refusal refers to the site making a valuable contribution to biodiversity net gain. At my site visit, I observed that the verge crossing comprises patchy mowed grass that is devoid of trees, plants and shrubbery. In the absence of any evidence before me to indicate how the site contributes to biodiversity, I do not find there would be any notable detrimental effects. Rather, as a result of the appeal proposal, the amount of grass and green space within the public realm would increase.
11. The existing crossover to be narrowed is laid with a bound compacted hard surface which would be decreased as a result of the development. Whilst the appeal proposal would involve creating an area of hardstanding within the front garden of No. 354, this would be permeable paving thereby allowing water to drain naturally. Furthermore, the appellants evidence indicates the site does not lie within an area of increased flood risk. Therefore, I find that the concerns with regards to biodiversity and the water environment are unsubstantiated.
12. Rather than encourage car ownership, this development would better serve the existing needs of occupants, who would still have access to more sustainable transport options nearby. Failure to demonstrate a need for on-site vehicle parking has also been cited as a concern by the Council. However, 'need' is not a policy test in this case. The Council's officer report contends that the proposal would add to the traffic congestion in the area by vehicles turning into the site rather than accessing the rear garage courtyard. However, I note that the highway officer raised no objections to the construction of a vehicular access from a highway safety perspective. Given their expertise in such matters, I attach substantial weight to their comments and find no such conflict following everything else I have read and seen.
13. The Council's submissions are silent on the effect of the development on energy, which is referred to in the third reason for refusal. However, the appellant asserts that one of the motivations for the development is to allow to them to charge an electric vehicle at home. This is an environmental benefit which weighs in favour of the proposal.
14. The Council have not clearly articulated or substantiated the harm that has been alleged in respect of this main issue derived from the second and third reasons for refusal. Consequently, I find the development would accord with other requirements of the Development Plan, with regard to biodiversity, the water environment, sustainable transport and energy to be acceptable. It follows that I find no conflict with Policies LLP1, LLP25 or LLP31 of the Local Plan in respect of this main issue.

Other Matters

15. The Council assert that the appeal proposal would set a harmful precedent for similar forms of development in the area. However, due to the number of crossovers already in existence on this part of Poynter Road, I do not consider this to be the case. In any event, this proposal would increase the quantum of grass verge in situ post development which is unlikely to be the case elsewhere.

Conditions

16. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty.
17. The Council request a condition requiring that pedestrian visibility splays are provided on either side of the new access and thereafter maintained. In the interests of pedestrian and highway safety, this is necessary and reasonable. As drafted by the Council, the condition did not include a trigger for provision. Accordingly, I have amended it to meet the tests set out in the National Planning Policy Framework (the Framework).

Conclusion

18. For the above reasons, having had regard to the development plan as a whole, the Framework and all other matters raised, the appeal is allowed.

C Walker

INSPECTOR