



Appeal Decision

Site visit made on 6 May 2025

by **S Simms BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th June 2025

Appeal Ref: APP/B0230/W/25/3360721

54 Rossfold Road, Luton LU3 3HH

- 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 Gary Taylor against the decision of Luton Borough Council.
 - The application ref. is 24/01037/COU.
 - The development proposed is a change of use of grass amenity area to hardstanding to facilitate the extension of a vehicle crossover.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Officer's Report refers to the development necessitating the demolition of an existing dwarf wall to the front of the property. It was apparent on my site visit that this had already occurred, but in any event does not form part of the proposal.
3. Whilst the proposal is described as a change of use, it also entails operational development in hard surfacing the verge and I have dealt with it on that basis.

Main Issues

4. The main issues in this appeal are the effect of the development on:
 - the character and appearance of the area
 - the provision of landscaped amenity space
 - compliance with parking standards
 - safety and the use of sustainable transport

Reasons

Character and appearance

5. The site contains a semi-detached house in an area of the same, laid out on tree-lined streets with grass verges. Most plots have rear garages reached by a shared driveway and verge crossover, in common with the non-attached neighbour. Many retain front gardens, with low walls in brick matching the houses. The character is one of a soft, green landscape setting and modest density; cars contained to the carriageway or regularly spaced driveways. Many verges contain low timber posts close to the kerb, but others appear to have been damaged by vehicles parking or crossing to widened driveways.

6. Like its non-attached neighbour, the front garden of the subject property has been block-paved, and the wall removed, resulting in a significant length of visible hard landscape. The verge fronting the neighbour has also been hard surfaced and the kerb dropped, further reducing soft landscape. The proposal would remove more of the verge and replace it with hard surface, eroding the soft landscape setting still further. This would harm both the character of the area and the quality of the local environment, contrary to Policies LLP25 and LLP31 of the Luton Local Plan 2011-2031, which require these to be enhanced and protected.

Provision of amenity space

7. The proposal would materially change the function of an area of public space, so that it would no longer meaningfully contribute to visual amenity and would thus render it less attractive. These effects represent harms, contrary to Policies LLP25 and LLP31 of the Luton Local Plan 2011-2031, which require proposals to create attractive public spaces and maintain the quality of the local environment. I attach significant weight to this. Amenity Space Standards provided by the Council relate to the provision of private amenity space and so are not directly relevant to public spaces.

Parking standards

8. Whilst the area of hard surface to the front garden has already been created and the wall demolished, whether or not with the benefit of permitted development rights, the proposal would create or facilitate access to additional parking spaces. In doing so, it would increase the area of footway accessible to vehicles. The appellant states that the block paved area can only be used to park one car and that the proposal would allow two to be parked.
9. The appellant states that the shared driveway and garages are not convenient. In my view, they nonetheless account for at least a space, such that the proposal would result in three or more off-street spaces. Policy LLP32 of the Luton Local Plan 2011-2031 restricts car parking provision to no more than two spaces for houses with two or three bedrooms. I have no floor plans but, based on its size, it seems unlikely to have fewer than two or more than three bedrooms.
10. Whilst Policy M3 of the National Design Guide (2021) advises that well-designed parking is conveniently sited so that it is well used, this does not mean its quantity should exceed development plan standards or its provision should be prioritised over pedestrian safety. The proposed development would exceed the relevant parking standard and therefore be contrary to Policy LLP32 of the Luton Local Plan 2011-2031. I attach significant weight to this conflict.

Safety and Sustainable Transport

11. I note that the Council's highway engineer has not objected subject to compliance with technical details relating to drainage and visibility. Whilst the impact on the road network would not be severe, paragraph 116 of the National Planning Policy Framework also seeks to prevent unacceptable impacts on safety. Paragraph 117 of the Framework requires development to prioritise pedestrians and create safe and attractive places that minimise conflicts between pedestrians and vehicles.
12. By further extending the length of footway accessible to vehicles beyond that already made so, the proposal would create further potential for pedestrians to

come into conflict with vehicles and so adversely affect their safety. This would also tend to discourage walking, including to reach public transport. These effects are harms contrary to Policy LLP31 of the Luton Local Plan 2011-2031, which seeks to provide a sustainable transport choice with priority for buses, pedestrians and cyclists. I attach significant weight to this conflict.

Other Matters

13. I note that a neighbour supports the proposal but provides no further detail on the benefits it may create. Consequently, I can only attach modest weight to this.
14. I note that the proposal is intended in part to facilitate the charging of an electric vehicle, an objective supported by paragraph 117 of the National Planning Policy Framework. However, I am not convinced that this is the only way to achieve this objective in this case and so can only attach modest weight to this.

Conclusion

15. Overall, the proposal would harm the character of the area, the quality of the local environment, the provision of landscaped amenity space and pedestrian safety. It would also contravene parking standards and discourage sustainable transport.
16. Consequently, it would be contrary to the development plan, including Policy LLP1 of the Luton Local Plan 2011-2031. As there are no material considerations that indicate otherwise than to determine the appeal in accordance with the development plan, the appeal is therefore dismissed.

S Simms

INSPECTOR