



Appeal Decision

Site visit made on 1 July 2025

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 15 July 2025

Appeal Ref: APP/B0230/W/25/3361149

Land to rear of 38 Studley Road, Luton LU3 1BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Cremin against the decision of Luton Borough Council.
 - The application Ref is 24/01023/OUT.
 - The development proposed is described as 'Detached 4 bedroom dwelling and access.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline, with access to be considered at this stage. The remaining matters of appearance, scale, layout and landscaping are therefore reserved for later consideration. I have dealt with the appeal on this basis and treated the submitted plans where pertinent as an indication of the proposed development.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site forms part of the garden land to a large detached 3 storey property that is situated in a predominantly residential area that comprises properties of varied age, style and design.
5. Whilst tight knit housing fronts the western side of Biscot Road, the sizeable back-to-back separation between the detached dwellings on Studley Road and Malzeard Road, and the intervening garden areas, trees and shrubbery provide this section and side of Biscot Road with a sense of spaciousness. This separation and space are visually distinctive and provide relief from the built form in the locality. The large garden area of No 38, in which the appeal site is located, thereby positively contributes to this sense of spaciousness.
6. I appreciate that the proposed layout plan is only indicative, however by effectively subdividing No 38's garden area, and introducing a detached dwelling, the proposal would inevitably increase the built form and scale of development across the site. Although the back garden area of 41 Malzeard Road would remain untouched, and retain some separation, the indicative plans show the proposed house to be in proximity to No 38 and the shared boundary with No 41.

7. Given the restricted width of the appeal site, the proposal would also inevitably result in a narrower sized house and rear garden space than is typical in the immediate area. These factors would thereby combine to introduce a cramped and conspicuous form of development that would interrupt the rhythm and erode the sense of spaciousness along this part of the street. Accordingly, it would appear out of context with the prevailing pattern of development and spacious layout of the detached properties in the immediate vicinity.
8. My site observations also confirmed that 46 Biscot Road has considerably more space around it and a larger separation from adjacent neighbouring properties than would be the case for the proposal and No 38. Its circumstances are therefore not directly comparable with those which apply in this appeal.
9. As such, I find that the proposed development would have an unacceptably harmful effect on the character and appearance of the area. It would thereby conflict with Policies LLP1, LLP15, and LLP25 of the Luton Local Plan 2011-2031 (2017) (Local Plan). These require, amongst other matters, for all new development to improve accessibility and contribute towards enhancing a sense of place. They also seek to enhance the distinctiveness and local character of the area and to respond positively to townscape, street scene, site and building context. Conflict would also arise with the design objectives of the National Planning Policy Framework (the Framework), as advised in Section 12.
10. In its decision notice, the Council has referred to Local Plan Policies LLP31 and LLP32. However, these policies are concerned primarily with sustainable transport and car parking rather than character and appearance so are not directly applicable to this appeal.

Planning Balance

11. The appellant contends that the Council is unable to demonstrate a 5 year deliverable supply of housing land. I have little evidence from the Council in this regard. Nonetheless, I have found that the proposed development would cause unacceptable harm to the character and appearance of the area. This harm would be long lasting and contrary to the design objectives of the Framework. With these factors in mind, I ascribe this matter substantial weight.
12. It has been put to me that the appeal site is in a highly sustainable location and that the proposal would contribute to the need for larger family housing in the borough. Nonetheless, given that the proposal is for only 1 dwelling, any benefits in these respects would be contextually somewhat limited.
13. It has also been put forward that the proposed dwelling would exceed GIA requirements in the nationally described space standards, that each habitable room would be well served by light and outlook, and that there would be no harm to the living conditions of future residents or the occupiers of neighbouring properties. In addition, the appellant states that sufficient off-street parking could be accommodated on the site. However, the submitted plans are indicative, and there are no fixed parameters or firm details in respect of scale, appearance and layout before me. Accordingly, I attach limited weight to the appeal scheme's benefits.
14. Therefore, even if I were to conclude that there is a shortfall in the 5 year housing land supply on the scale suggested by the appellant, the adverse impacts of

granting permission would significantly and demonstrably outweigh the benefits. The appeal scheme would therefore not be sustainable development for which the presumption in favour applies.

Conclusion

15. The proposed development consequently conflicts with the development plan and there are no material considerations, including the approach of the Framework, that warrant taking a decision otherwise than in accordance with it. The appeal should therefore be dismissed.

Mark Caine

INSPECTOR