



Appeal Decision

Site visit made on 10 June 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2025

Appeal Ref: APP/B0230/W/25/3363236

18 Blaydon Road, Luton LU2 0RP

- 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 Waqas Ahmed against the decision of Luton Borough Council.
 - The application Ref is 24/01204/FUL.
 - The development proposed is the erection of a two storey side extension to form a three bed house with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has provided amended drawings with increases to the rear projections in order to create additional floorspace. However, the amendments would involve a substantial difference to the original proposal, as the increases to the rear projections are not small and would project further beyond rear windows at the existing dwelling. It would therefore not be fair procedurally to accept these amendments as it would deprive the Council from and potential interested parties from fully assessing and commenting on the scheme. In any event, the appeal process should not be used to evolve a scheme.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposal would provide adequate living conditions for future occupiers, with particular regard to internal and external space and car parking provision.

Reasons

Character and appearance

4. The appeal site forms the side garden area of the existing dwelling and is in a residential area that predominantly consists of semi-detached two-storey dwellings. The properties are generally similar in appearance, design and materials, with regular spacing between them. The dwellings are largely set back from the street with landscaping or driveways to the front or side. The appeal site is on a prominent corner plot, and the existing side garden area provides an openness that contributes positively to the character and appearance of the area.

5. The new dwelling would encroach onto the open space and, whilst the proposal would involve a modest area, the loss of the side garden area would substantially reduce the feeling of openness given the reduced space between the proposed dwelling and the property on the opposite corner plot at 2 Beaconsfield.
6. The proposed dwelling would respect the fenestration style and exterior materials of the existing dwelling and would result in a semi-detached property in keeping with the street. The dwelling would have a hipped roof which, although not common in this part of the street, are found elsewhere in Blaydon Road and Silecroft Road.
7. However, due to the modest width of the current side garden area the proposed house would be narrower than the surrounding houses. Furthermore, access to and egress from the proposed car parking space, which would be at an angle to the street, would involve vehicles passing in front of the existing dwelling and giving the car parking space a contrived appearance.
8. For these reasons, the proposal would appear as an attempt to fit a dwelling into a constrained plot resulting in a cramped form of development, resulting in an over-development of the site. This would be emphasised by the site's prominent corner plot location. The proposal would also be detrimental to the openness of the site.
9. The two-storey extensions at 34 and 36 Blaydon Road have resulted in a terracing effect. However, no details of any planning permissions for these extensions have been provided, although the properties are in a substantially less prominent location than the appeal site. Furthermore, the extensions are seen as part of the existing properties and did not create separate dwellings. 32 and 38 Blaydon Road did not have any two-storey side extensions at the time of my site visit and no evidence has been provided of any planning permissions for such extensions. In any event, this appeal has been determined on its own merits.
10. For the reasons set out above I conclude that the cramped appearance of the proposed dwelling would cause harm to the character and appearance of the area. The proposal would therefore be contrary to Policies LLP15 and LLP25 of the Luton Local Plan 2011-2031 (2017) (LP), insofar as they require for development to be of a high-quality design which enhances the character of the area by responding positively to the street scene and site context, and for new housing to not result in an over-development of the site.

Living conditions

11. The submitted plans show that the proposed dwelling would be a three-bedroom house for five people. The appellant does not dispute this, which would mean the floorspace for the dwelling would be less than the minimum required for a dwelling of this size/occupancy contained in the Technical Housing Standards – Nationally Described Space Standard. As a result, the proposed dwelling would be small and cramped, and as such would fail to provide adequate living conditions for future occupiers.
12. LP Appendix 2 states that a three-bedroom house should have a maximum of two car parking spaces. The proposed dwelling would have one car parking space and would therefore comply with LP Appendix 2. There are no on-street parking restrictions nearby and no substantive evidence has been provided to demonstrate that on-street parking is severely limited in the street. Consequently, it is unlikely

that there would be a harmful impact to on-street parking as a result of this proposal.

13. Despite the angle of the proposed driveway, vehicles would not have any difficulty accessing or egressing the site as the nearest on-street parking would either be on the other side of the road to the appeal site or after the driveway for 20 Blaydon Road. Furthermore, Highway Authority have not objected to the scheme.
14. The proposal would therefore accord with LP Policies LLP31 and LLP32, insofar as they require development to ensure the quality of the local environment is not compromised, and that car parking provision should not exceed the maximum standards set out in LP Appendix 2.
15. However, the proposal would fail to provide adequate living conditions for future occupiers owing to the small and cramped nature of the proposed dwelling. LP Policy LLP25 does not refer to internal space standards and as such there would be no conflict with LLP25 in this regard. However, the proposal would conflict with paragraph 135 of the National Planning Policy Framework (the Framework), which requires development to have a high standard of amenity for current and future users.

Planning Balance and Conclusion

16. The Luton 5 Year Housing Land Supply Statement (October 2024) sets out that the Council has a 3.36-year supply of housing sites, and the Council has not disputed this position. This is well below the minimum level required and with reference to paragraph 11 d) of the Framework, consideration of the presumption in favour of sustainable development is needed.
17. The proposal would provide acceptable car parking provision for future occupiers. However, this would be outweighed by the harm that would be caused to the character and appearance of the area and the living conditions of future occupiers with particular regard to internal space standards. It would, therefore, conflict with policies LLP15 and LLP25 of the LP in this regard.
18. The provision of one additional unit would make a small contribution to the existing supply. Economic advantages would also arise from the occupation of a new house, although these would be limited by the scale of the scheme. The proposal would also provide a three-bedroom house for which there is an identified local need. However, these benefits would be limited by the scale of the scheme.
19. The appellant states that the proposal would result in biodiversity enhancements. However, the Council confirms that the development would fall under the 'de minimis' exemption and as such would not be subject to the biodiversity net gain condition, which would require biodiversity enhancements. Furthermore, the proposed dwelling would be constructed on a grassed area of land and no detailed landscape drawings have been provided. It is therefore unclear how any biodiversity enhancements would be achieved. I therefore afford this matter limited weight.
20. I have considered the policies in the development plan referenced by the parties. The proposal would conflict with Policies LLP15 and LLP25. I am satisfied that these conflicts mean that the proposal would conflict with the development plan as

a whole. These policies are generally consistent with the Framework and so these conflicts carry substantial weight.

21. The proposal would not conflict with the Framework's policies that protect areas or assets of particular importance and therefore paragraph 11d)i) of the Framework does not apply in this case.
22. However, 11d)ii) should be applied. This requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
23. The proposed development would be supported by parts of the Framework, including policies to increase housing supply. The proposal would contribute towards an identified local need for three-bedroom housing and would also support economic growth and enhancing the natural environment.
24. However, there would also be conflict with parts of the Framework, including policies to achieve well-designed places and to make effective use of land. Furthermore, no affordable housing is proposed.
25. In my view, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not constitute sustainable development with regard to paragraph 11 d ii) of the Framework.
26. The proposal would conflict with the development plan as a whole and there are no material considerations that would cause me to determine this appeal otherwise than in accordance with the development plan. For the reasons given above, I conclude that the appeal should be dismissed.

D Ellis

INSPECTOR