



Appeal Decision

Site visit made on 11 November 2025

by **M Tandy C.WEM MCIWEM MIoL**

an Inspector appointed by the Secretary of State

Decision date: 17th November 2025

Appeal Ref: APP/B0230/W/25/3372128

45 Dudley Street, Luton LU2 0NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Sameer Bastoni against the decision of Luton Borough Council.
 - The application Ref 24/01442/FUL.
 - The development proposed is raising the roof of the existing garage (and roller shutter) by 1.6 meters and the roof of the car washing enclosure by 900 mm.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of the neighbouring properties with regard to outlook and light.

Reasons

Character and appearance

3. Dudley Street comprises residential and commercial properties of two or more storeys adjacent or close to the public highway, in an urban and predominantly residential area. The appeal site and Nos. 53 to 57 Dudley Street are distinctively set back and primarily single storey, therefore providing openness to the street scene and visual connectivity to the wider area.
4. The appeal property includes a single storey, four-bay vehicle repair garage and MOT station, with a stepped height roof and signboard fascia design that provides a view through the site. A single storey carwash building sits adjacent to the boundary of No. 53 Dudley Street towards the site frontage.
5. The proposed development is sought to accommodate larger modern vehicles and achieve a consistent height across the vehicle repair garage and MOT station by significantly increasing the height of the existing buildings. This would result in a discernible departure from the positive openness the appeal site provides to the established character of the street scene and an intrusion to the visual connectivity with the townscape beyond. The proposed increased height of the carwash building would result in an overly prominent feature and disrupt the scale and pattern of development.

6. The setback from the road, parking area and provision of replacement signage would not mitigate the overall detrimental effect of the proposed development. For the above reasons, I find that there would be considerable harm to the character and appearance of the area. As such, the development would not accord with Policies LLP1 and LLP25 within the Local Luton Plan 2011-2031 (the Local Plan) which seek to ensure proposals are of a high quality design, enhancing the character of the area including in respect of form, height, pattern and street scene.

Living conditions

7. No. 26 to 55 Plait Court (No. 26 to 55) is a flatted residential development close to the shared boundary with the appeal site, with windows at multiple levels on the flank elevation overlooking the site. It was apparent from the site visit that windows facing the appeal site at the ground and first floors, have a restricted outlook and experience overshadowing due to the existing vehicle repair garage and MOT station.
8. The proposed development would significantly increase the height of the vehicle repair garage and MOT station and the height of the carwash building. The small setback of No. 26 to 55 from the appeal site boundary would not mitigate the overall height, size and location of the proposed development. As a consequence, the outlook from No. 26 to 55 would be substantially adversely affected at the second floor and above. The windows of the ground, first and second floors would suffer significant overshadowing and loss of light, worsening the existing conditions for the former two.
9. New Bedford House to the south-east of the appeal site is set back further from the proposed development and perpendicular to it. This degree of separation and orientation to the proposed development would limit the potential for overshadowing and loss of outlook. I therefore conclude the impact of this would not be unduly harmful.
10. In support of the appeal, my attention has been drawn to the acceptance of similar design and separation distances of neighbouring developments. I do not have full details of the circumstances that led to planning permission being granted, therefore I cannot be sure that they represent a direct parallel to the appeal development.
11. Whilst there are no objections from neighbouring occupiers to the scheme, this is not a reason in itself to allow development which is harmful to the living conditions of neighbouring occupiers. For the above reasons, the development would result in substantial harm to the living conditions of the occupiers of neighbouring properties, No. 26 to 55 with regard to outlook and light. As such, it would not accord with Policies LLP1 and LLP25 within the Local Plan which seek to ensure proposals are of a high quality design which minimises overshadowing and loss of light.

Other Matters

12. It has been put to me that the proposed development is necessary to facilitate the future viability of the vehicle repair business at the appeal site, which is supported by Policy LLP10 of the Local Plan. I am not presented with substantive evidence that demonstrates the current use of the business would cease without the

proposed development, nor that alternative alterations would not achieve the desired outcomes.

Conclusion

13. For the reasons given above, I conclude that the proposed development would conflict with the development plan as a whole and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. The appeal is therefore dismissed.

M Tandy

INSPECTOR