



Appeal Decision

Site visit made on 11 November 2025

by **M Tandy C.WEM MCIWEM MIO L**

an Inspector appointed by the Secretary of State

Decision date: 20th November 2025

Appeal Ref: APP/B0230/W/25/3370438

Land to rear of 14-16 Gardenia Avenue, Luton LU3 2NS

- 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 Aftab Ahmed against the decision of Luton Borough Council.
 - The application Ref 24/01423/FUL.
 - The development proposed is erection of a single storey detached two bedroom bungalow with associated parking and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

3. Gardenia Avenue comprises terraced and semi-detached residential properties and local service provision, in an urban and predominantly residential area. The appeal site is accessed via a single width track off Gardenia Avenue, passing two existing bungalows (Nos. 2d and 2e Gardenia Avenue) with spacious private parking areas for multiple vehicles that provide openness to the property frontages.
4. The proposed back land development seeks to make an efficient use of land through the provision of a single storey bungalow close to the appeal site frontage, with a narrow driveway adjacent to the shared fenced boundaries with Nos. 2e and 12 to 16 Gardenia Avenue. This proposed siting and layout of development would lead to a considerable lack of spaciousness, which is discordant to the character of the dwellings in the immediate vicinity. Furthermore, the scale of the proposed development within its confined plot would be significantly cramped and a discernible departure from the established form of development, even though the outdoor space would be in excess of the minimum standards in the Local Plan 2011-2031 (the Local Plan).
5. For the above reasons, I find that there would be considerable harm to the character and appearance of the area. As such, it would not accord with Policies LLP1, LLP15 and LLP25 within the Local Plan which seek to ensure proposals are of a high quality design, enhancing the character of the area including in respect of building context, form and scale.

Planning Balance

6. I acknowledge that the proposed development would not be detrimental to the streetscene or the living conditions of neighbouring residents and would not result in the loss of land for other uses for which there is a recognised local need. A lack of harm in these respects is nevertheless a neutral factor. The scale of increased biodiversity that would be provided through the proposed development garden features attracts a little weight in favour of the appeal.
7. The proposed development would harm the character and appearance of the area because of its design and there would be a conflict with Policies LLP1, LLP15 and LLP25. It would therefore not accord with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
8. From the information before me it is evident that the Council can only demonstrate a housing land supply of 3.36 years. As such, paragraph 11 d) of the National Planning Policy Framework (the Framework) is relevant. This explains that in these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework when taken as a whole.
9. The proposed bungalow would make a positive contribution to housing supply within walking distance of services and facilities, particularly two bed dwellings that may support the release of larger properties back to the market, with associated social and economic benefits during the period of construction and once the dwelling is occupied. However, the scale of development proposed means the contribution of one additional dwelling to meeting housing need, through a more efficient use of land in an urban area, and the associated benefits only attracts a moderate weight in favour of the appeal. Furthermore, the creation of high quality places is fundamental to what the planning and development process should achieve, which the proposed development would not, and this weighs substantially against the appeal.
10. In the circumstances of this case, I have concluded the adverse impacts of the proposed development significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

Conclusion

11. For the reasons given above, I conclude that the proposed development would conflict with the development plan as a whole and material considerations have not shown to carry sufficient weight to indicate a decision otherwise than in accordance with it. The appeal is therefore dismissed.

M Tandy

INSPECTOR