



Appeal Decision

Site visit made on 1 June 2026

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th June 2026

Appeal Ref: APP/B0230/D/25/3377173

152 Wheatfield Road, Luton LU4 0TD

- 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 Lika against the decision of Luton Borough Council.
 - The application Ref is 25/00712/FULHH.
 - The development proposed is a dropped kerb.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant submitted additional evidence regarding the need for the proposed development with this appeal. However, this evidence was not before the Council when it determined the planning application. Given that I have considered the appeal under the Householder procedure, I am not able to accept this evidence as there is no opportunity for the Council or interested parties to make comments on it. This would result in procedural unfairness. Therefore, I have had no regard to this evidence in my decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the development would accord with other requirements of the development plan, having regard to need for the proposed development, biodiversity, the water environment, sustainable transport and energy.

Reasons

Character and appearance

4. The appeal site comprises a two-storey house which is set at the end of a terrace of bungalows. The site adjoins a two-storey dwelling to the opposite side, which is also attached to a row of bungalows. The rows of terraces are set back from the road, generally with landscaped front gardens, with limited instances where the frontages are partly laid to hardstanding to accommodate vehicle parking. The frontage of the site is laid to hardstanding.

5. On the side of Wheatfield Road where the site is located there is a footpath and grass verge which extends between the properties and the highway. Although it is occasionally punctured by dropped kerbs, including those at Nos 142, 144 and 158 Wheatfield Road, a long and uninterrupted stretch of it remains, such that it forms a distinctive and attractive feature of the street scene. It adds visual interest to the street scene and contributes to softening the urban environment. Therefore, irrespective of not being designated as open space, the grass verge makes an important contribution to the character of the area.
6. The proposed vehicle crossover would result in the loss of a noticeable stretch of grass verge. Therefore, the proposal would break the continuity of the verge in this location, thereby altering its appearance as a largely continuous and positive element of the streetscape.
7. Consequently, the proposal would erode the cohesive green landscaping between the properties and the highway. This would be apparent in immediate and longer views within the street. As such, the proposal would have a detrimental effect on the character of the area, to which this stretch of continuous verge makes a substantial positive contribution.
8. Therefore, the proposed development would have a harmful effect on the character and appearance of the area, contrary to Policies LLP1, LLP25 and LLP31 of the Luton Local Plan 2011-2031 (2017) (LP). Amongst other things, these policies support development of a high-quality design which enhances the distinctiveness and character of the area by responding positively to the townscape.

Other requirements of the development plan

9. The Council's submissions are silent on the effect of the development on biodiversity, the water environment, sustainable transport and energy. Therefore, the Council's has not clearly articulated or substantiated the harm that has been alleged with regards to these matters.
10. The dropped kerb would result in the loss of a portion of a grassed area. However, I have not been provided with evidence to suggest that the proposal would reduce biodiversity on site, nor that the site lies within an area of increased flood risk. The proposal is small in scale, and there is no robust evidence to demonstrate that it would have a harmful effect on carbon emissions or energy.
11. The proposed dropped kerb would better serve the existing occupants by facilitating parking within the property, and there is limited evidence before me to suggest that their access to public transport options would change because of the development. Failure to demonstrate a need for on-site vehicle parking has also been cited as a concern by the Council. However, I have not been directed to any policy setting out that need is a policy test in this case.
12. Consequently, the development would not be at odds with other requirements of the development plan, having regard to need for the proposed development, biodiversity, the water environment, sustainable transport and energy. It follows that I find no conflict with LP Policies LLP1 or LLP31 in respect of this main issue.

Other Matters

13. The appellant asserts that the proposal would contribute to improved highway safety and reduced parking congestion. However, there is limited evidence before me to demonstrate how the proposal would achieve this. Therefore, this does not justify the proposed development.

Conclusion

14. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal is dismissed.

P Terceiro

INSPECTOR