

APPLICATION NO: 12/01259/FUL
PROPOSAL: Erection of three bedroom bungalow
LOCATION: Land rear of 17 Wingate Road
APPLICANT: Mr Sikandar Hayat
WARDS AFFECTED: SAINTS

RECOMMENDATION

1. Refuse on the following reasons:

- (01) The proposed dwelling, by virtue of its size and siting, would give rise to an undesirable, incongruous and obtrusive form of development that would fail to satisfactorily integrate with or complement its surroundings to the detriment of the prevailing character and appearance of the area. The proposal would thereby be contrary to Policies LP1, H2 and ENV9 of the Luton Local Plan and the objectives of the National Planning Policy Framework.**
- (02) The proposal would result in a discordant form of development which would be out of scale and character with the existing dwelling and would be detrimental to the visual amenities of the surrounding area setting an undesirable precedent for further similar developments in the locality contrary to the aims and objectives of Policies LP1, H2 and ENV9 of the Luton Local Plan and the objectives of the National Planning Policy Framework.**
- (03) The proposed development would injuriously affect the amenities of the adjoining properties by reason of visual intrusion, overlooking and loss of privacy. The proposal would thereby be contrary to Policy(ies) LP1, H2 and ENV9 of the Luton Local Plan and the objectives of the National Planning Policy Framework.**

REPORT

INTRODUCTION

- 2. This application has been referred to Development Control Committee for determination following a written request received from Councillor Mohammed Riaz.**
- 3. The application site is a significant part of the rear garden belonging to a detached bungalow fronting onto Wingate Road and measures approximately 536sq.metres in area. Whilst the wider areas of Wingate Road and beyond are of a mixed character, the immediate surroundings are predominantly residential.**

LUTON LOCAL PLAN ALLOCATION

- 4. The site has an unallocated land use on the Local Plan Proposals Map.**

POLICY IMPLICATIONS

5. LP1, H2 and ENV9 of the Luton Local Plan and the National Planning Policy Framework (NPPF)

PREVIOUS HISTORY

6. Planning permission was granted in 2005 to erect a single dwellinghouse in the rear garden of the premises but this permission expired in 2010 before a material start was made on the development. A separate planning application for a larger house on the land was submitted in 2012 but was refused planning permission in August of the same year.
7. The site also benefitted from planning permission for the erection of an outbuilding in 2009, and this permission is currently the subject of an application to extend its time limits for implementation.

TECHNICAL CONSULTATIONS

8. Highway Authority: No highways implications are anticipated.
9. Education: Has provided information concerning the status of education places across the borough and on the basis that there is existing pressure to create school places being generated by continued residential development, a financial contribution has been sought in accordance with the SPD on Planning Obligations.
10. Libraries: No response has been received. Any comments made will be reported at the Meeting.
11. Parks: No response has been received. Any comments made will be reported at the Meeting.
12. Museums: No response has been received. Any comments made will be reported at the Meeting.
13. Waste Management: No response has been received. Any comments made will be reported at the Meeting.

NEIGHBOUR CONSULTATIONS

14. The application was notified to 15 adjoining occupiers. One letter of representation was received but this raised no objections to the proposed development.

MATERIAL PLANNING CONSIDERATIONS

15. The material planning considerations relate to the compliance with planning policies and the impact of the development on the street scene, the adjoining occupiers, design of the proposals and parking.

PLANNING POLICY

16. The application site has, to some degree, been divided into two separate plots through the introduction of a partially built brick perimeter wall enclosing the original dwellinghouse. The remaining area of land is to form the plot for the proposed dwellinghouse. This area of land has already been hard surfaced and appears to be being used (unlawfully) for the storage of building materials and a number of vehicles, despite being the subject of a number of previous enforcement enquiries.
17. The National Planning Policy Framework (NPPF) encourages the effective use of land by re-using land that has been previously developed but existing garden land cannot be considered as being previously developed. In light of the previous activities being unlawful and in the absence of any planning permissions to regularise matters the land to the rear of 17 Wingate Road remains designated as garden land, and as such it does not benefit from being classified as previously developed land. Accordingly a presumption in favour of developing the site for housing does not exist and it would be contrary to the policy guidance contained within the NPPF.

STREET SCENE IMPACT

18. Though not readily visible from the surrounding roads the proposed dwelling house could be glimpsed from the site access and the gaps in between dwellings as well as being potentially visible from the cul-de-sac in Malham Close and visible from private views of neighbouring land. A dwellinghouse in the middle of surrounding gardens would be out of keeping with the prevailing pattern of built development and thus it would result in a significantly detrimental impact on the character and appearance of the street scene and the wider area.

IMPACT ON ADJOINING OCCUPIERS

19. Notwithstanding that the development appears to achieve the requisite spatial distances between buildings contained in the Appendix 2 of the Local Plan, the presence of the proposed dwelling amongst residential rear gardens is out of keeping with the surrounding area and will be visually intrusive when viewed from neighbouring premises. Bedroom windows (serving Bedroom 2) and to a lesser extent en-suite windows will be located in the east and west elevations at first floor level and only 1.6m (approx) away from boundaries with neighbouring properties and this will result in an unacceptable level of overlooking into the gardens of those properties thus adversely affecting the level of privacy that an occupier should reasonably expect.

DESIGN

20. The design of the bungalow in itself is acceptable when considered in isolation and adequate space is provided about the building. As an observation the layout is unorthodox in that it incorporates two separate kitchens and two individual sitting rooms and this could lend itself to potential sub-division in the future.

PARKING

21. Adequate off street parking can be provided for both the existing and the proposed dwellings.

CONCLUSIONS

22. Where once the principle of developing garden land was considered to be acceptable (which in turn resulted in the application being looked upon favourably) this has changed as a result of the shift in policy as contained in the NPPF. This application has to be considered against current principles in planning and thus the principle of developing this site is no longer supported by national policy and is therefore unacceptable. Furthermore, the proposed development will have a significantly detrimental impact on the character and appearance of the area and it will adversely affect the living conditions of the adjoining occupiers by reason of visual intrusion, overlooking and loss of privacy. Accordingly the development is considered contrary to policies LP1, H2 and ENV9 and the NPPF.