

APPLICATION NO: 12/01271/FUL
PROPOSAL: Retention of boundary wall to side of property
LOCATION: 47 Hayhurst Road
APPLICANT: Mr F Shah
WARDS AFFECTED: Challney

RECOMMENDATION

1. Refuse for the following reasons:

(01) The retention of the boundary wall is considered to have a detrimental impact on the visual appearance of the immediate street scene and wider character of the area. It fails to either enhance or improve the quality of the established character of the area and would set an undesirable precedent for similar forms of enclosure, as such it fails to meet the objectives of Policies LP1, ENV9 and H4 of the Luton Local Plan.

(02) The boundary treatment fails to provide adequate pedestrian visibility splays to the detriment of pedestrian, cyclists or other road users safety, thereby setting an undesirable precedent for further similar proposals in the locality. The proposal would thereby be contrary to Policies LP1, ENV9 and T3 of the Luton Local Plan.

REPORT

INTRODUCTION

2. This application has been brought to Committee for determination at the request of Cllr Malik.
3. The application site comprises an extended semi-detached property located on a prominent corner plot on Hayhurst Road, which is residential in character. The road levels rise in an eastern direction and as such the site sits on a higher gradient than the street level.
4. This application is for the retention of a boundary wall to the side and rear of the property.
5. This application has resulted from an Enforcement Enquiry received in September 2012. A site inspection was carried out by a member of the Enforcement team which revealed that a boundary wall has been constructed on site without formal planning consent. A letter was sent to the owners of the property advising them to make a retrospective planning application for consideration of the development.

6. There is an Article 4 direction on a number of properties in Hayhurst Road including this site, restricting the enclosure of the forecourt without the prior permission of the Local Planning Authority.
7. Given the sites limitations, the applicant was given the opportunity to make amendments to the scheme to enable the application to be considered more favourably. However, the applicant was not entirely happy with the amendments sought and decided to proceed with the application in its current form.
8. It is acknowledged that similar proposals have been provided within the immediate area, but as each application is dealt with by on a case by case basis and assessed on its own planning merits.

LUTON LOCAL PLAN ALLOCATION

9. Undesignated

POLICY IMPLICATIONS

10. The policies that are relevant to the proposal are LP1, ENV9, H4, T3

PREVIOUS HISTORY

11. 00/01414/FUL - Erection of two storey side extension. Application Refused 02.03.2001.
01/01125/FUL - Erection of two storey side extension. Application Permitted 20.11.2001.

TECHNICAL CONSULTATIONS

12. LBC Highway Engineering Services - Notwithstanding that there is no material change in the access arrangements to the detached garage, the Highway Authority would comment that the normal pedestrian visibility splay requirements are not met.

NEIGHBOUR CONSULTATIONS

13. Nine neighbours notified by letter. No representation received to date.

MATERIAL PLANNING CONSIDERATIONS

14. The main planning considerations relate to the impact of the development on the character and appearance of the street scene, on the amenities of the neighbouring properties, design and parking.

STREET SCENE IMPACT

15. Policies LP1 and ENV9 of the Local Plan require developments to improve the quality of life of residents and visitors and to enhance the character and appearance of an area.
16. In street scene terms the main issue is the effect of the boundary treatment on the visual amenities of Hayhurst Road. The road is characterised by semi-detached properties, while some have low level walls or fences, or boundaries defined by hedgerows or vegetation the overall result is that the visual character of the area provides a sense of openness along the road frontage.
17. The development as built comprises a 2 metre high brick wall with pillars and a wooden trellis insets resulting in an overall height of approx. 2.4 metre in total. The wall extends the full length of the side of the house and part to the rear and incorporates a double wooden gate which provides access to the detached garage in the rear garden of the site. And it is acknowledged that the boundary wall has been constructed to a high standard with materials that match the existing dwelling.
18. As the site sits on a corner plot, it is important to ensure that any form of boundary treatment along the side of the property is kept to an acceptable height to avoid it appearing visually intrusive from public viewpoints. As a result of the level differences, the overall height of the wall because it is built adjacent to the highway, forms a prominent and overly dominant feature within the street scene.
19. Because of the importance of the retention of the sense of openness around this site and within the area, the wall as constructed is considered to have a detrimental visual impact within the street scene and is contrary to adopted Local Plan Policies LP1 and ENV9.

IMPACT ON ADJOINING OCCUPIERS

20. Technically, although the proposal is not an extension to a dwelling, it is a form of development built within the curtilage of a house. Therefore it is considered that Policy H4 of the Luton Local Plan is of relevance, which looks to ensure that development does not adversely affect the amenity of nearby residents through visual intrusion.
21. The site is surrounded by residential properties, and the properties that are considered to be most affected by the proposal are the dwellings that are directly to the west of the site. Numbers 52-60 have their front elevations looking onto the side of the application site, where the wall has been constructed. Although a distance of approximately between 16-21 metres is retained from the principle elevations of these properties and the wall, as a result of the level differences and the overall scale and height of the wall, it does appear visually intrusive.
22. No. 45 Hayhurst Road lies to the rear of the site (north) and sits on a higher ground level than the public highway to the front. The property benefits from a

two storey side extension which sits close to the shared boundary with the application site. Given that the property has its garage and driveway located adjacent to the boundary with the site, and given the level differences, the overall impact on the amenities of No. 45 with regard to visual intrusion is considered acceptable.

23. Overall, it is considered that the proposed development in terms of its scale and location is considered to have a detrimental impact on the amenity of neighbouring properties (Numbers 52-60) in terms of visual intrusion, which is contrary to Policy H4.
24. Although the proposal is visible from various viewpoints along Hayhurst Road, however, no other properties are considered to be materially affected by the development.

DESIGN

25. Policy ENV9 of the Luton Local Plan deals with the design principles and seeks that proposals for built development enhance the character and appearance of the area and respect the scale and detailed design of the existing building and views of it.
26. It is acknowledged that the boundary treatment has been built to a high standard. However, in terms of the scale, the enclosure of the site as built has a harmful visual impact as it neither reflects nor enhances the character of the area as a whole.

PARKING

27. At present the property benefits from a part block-paved front drive and a detached garage and driveway towards the rear of the house to accommodate off-street parking. Given that the proposal does not lead to an increase in the number of habitable room nor affects the existing parking arrangements on site, no parking implications are considered.
28. However, the Councils Highway Services have commented that notwithstanding the previous boundary treatment along the side of the house (2009 Google maps image show a high leylandii hedge) the normal pedestrian visibility splay requirements have not been met.
29. Policy T3 of the Luton Local Plan seeks to minimise traffic implications of new developments. It goes on to state that proposals will only be permitted if they do not cause safety problems for pedestrians, cyclists or other road users. As mentioned above, the construction of the wall does compromise pedestrian visibility splays and as such fails to meet the objectives of the Policy. If approved would also set an undesirable precedent for further similar proposals in the locality. Any revised scheme would need to ensure that these requirements are met.

CONCLUSIONS

30. The scale of the development leads to an inappropriate feature within the street scene and neither improves or enhances the wider area and leads to a detrimental impact on the amenities of the neighbouring properties and as such it is considered to fail to comply with extant Local Plan Policies LP1, ENV9, H4 and T3; it is therefore recommended for refusal.