
Appeal Decision

Site visit made on 20 September 2016

by K H Child BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 September 2016

Appeal Ref: APP/B0230/D/16/3155763

85 Halfway Avenue, Luton, Beds.

- 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 and Mrs Tower against the decision of Luton Council.
 - The application Ref 16/00523/FUL, dated 16 March 2016, was refused by notice dated 3 June 2016.
 - The development proposed is garage conversion and two storey side extension.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the proposal also includes a single storey extension, linking the garage conversion and two storey extension.
3. There appears to be a minor discrepancy in the position of the front wall of the two storey extension, as shown on Drawing Number mp.2564. The plan indicates that the ground floor would extend forward of the chimney breast whilst the first floor section would be set slightly back. However, the submitted elevation plans indicate that the front elevations of both floors would be flush and set back as shown on the ground floor plan. I have therefore determined the appeal on this latter basis.
4. On my site visit I observed that the driveway of No 85 widens slightly between the garage and the front elevation of the house, rather than being broadly rectangular as shown on the submitted site and layout plans. However, on the basis that the difference is only very small, I consider the matter does not materially change or alter the development scheme as determined.
5. The appellant has questioned whether the Council officer visited the site, but there is no firm evidence before me to support this claim. Nevertheless, I have assessed this appeal on its merits, as informed by the submitted evidence and observations made during my site visit.

Main Issues

6. The main issues are:

- The effect of the proposal on the character and appearance of the surrounding area and the host dwelling.
- The effect of the proposal on the living conditions of occupiers of Number 98 Bradley Road, with particular reference to outlook.

Reasons

7. No 85 is a semi-detached property located at the junction of Halfway Avenue and Bradley Road. The property is mainly two storey, with a single storey conservatory at the rear and a separate garage located on the eastern boundary. The garage is accessed via a driveway between the flank wall of the property and the common boundary with No 98 Bradley Road.
8. The scheme would involve the construction of a two storey side extension on part of the driveway, and the conversion of the existing garage to form habitable accommodation. A single storey extension is proposed to the rear of the two storey extension, linking the house to the converted garage.

Character and appearance

9. The surrounding area is predominantly residential, and characterised by a mix of semi-detached and detached properties. Most of the dwellings in the vicinity face directly towards the road and have long rear gardens. No 85, due to its corner position, is located at an angle to the road, and has a modest sized front and rear garden.
10. The proposed garage conversion would not increase plot coverage on the site, and would involve a slight reduction in the main ridgeline height due to a change in the roof profile. The single storey rear extension would also, in itself, be modest in scale. However, the proposed two storey extension, despite being set back slightly from the front elevation of the dwelling, would be substantial in size, with a ridgeline above the height of two floors and a depth of over 8 metres. The structure would extend eastwards and fill most of the current gap between the flank wall of No 85 and the boundary fence with No 98 Bradley Road.
11. Due to the angled position of No 85 the two storey extension would be highly visible from Bradley Road, despite the existence of some boundary landscaping. On my site visit I observed that a number of properties in the local area have side extensions. However, these are mainly single storey in height, and the two storey extensions I observed were set back from common boundaries with neighbouring properties. Overall, on this basis I consider that the two storey extension would appear overly large, prominent and incongruous in the streetscape.
12. In summary, for reasons given above I consider that the garage conversion and single storey rear extension would not materially harm the character and appearance of the area or the host dwelling. However, they form an integral part of the development scheme and cannot be easily separated out. Overall I therefore conclude that the appeal scheme, by reason of the size, height and position of the two storey extension, would materially harm the character and

appearance of the surrounding area and the host dwelling. As such the scheme would be contrary to Saved Policies LP1, ENV9 and H4 in the Luton Local Plan 2001-2011 (2006), insofar as they seek to ensure that development enhances the character and appearance of an area and that extensions are consistent with the dwelling and neighbouring properties in terms of scale and design. It would also be contrary to relevant provisions in the National Planning Policy Framework (the Framework) relating to design.

Living conditions

13. The extension would be located in proximity to the boundary fence adjoining the front/side garden of No 98. No 98 is a detached two storey house, with a side extension and a rear conservatory.
14. The small first floor windows on the flank wall of No 98 are positioned towards the rear of the building, and there is no substantive evidence that they serve as the main aspects of habitable rooms. Furthermore, although the extension would be visible from the side windows of the conservatory at No 98, views would be at an angle and partly restricted by high fencing. Views of the extension from the rear garden of No 98 would also be partly restricted by the intervening garage and fencing, and by virtue of the distance involved.
15. However, the height, size and proximity of the two storey extension to the eastern boundary mean it would appear as a dominant and overbearing feature when viewed from part of the front/side garden of No 98 closest to the appeal site. This part of the garden is visible from Bradley Road. However, it forms part of the amenity space of No 98, is largely laid out as a lawn, and is partially screened from the street by a strong frontage hedgerow. Accordingly I consider that the proposed scheme would adversely affect the outlook from the front garden of No 98, and in this regard would materially harm the living conditions of occupiers. The scheme would therefore be contrary to Saved Policies LP1 and H4 in the Luton Local Plan 2001-2011 (2006), insofar as they seek to secure development which does not detract from residential amenity. It would also be contrary to the aims and objectives of the Framework, insofar as they relate to the provision of good standards of residential amenity.

Conclusion

16. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

KH Child

INSPECTOR