
Appeal Decision

Site visit made on 19 September 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 3rd October 2016

Appeal Ref: APP/B0230/D/16/3155077

3 Durbar Road, Luton, Bedfordshire LU4 8BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Sajjad Hussain against the decision of Luton Borough Council.
 - The application Ref 16/00877/RES, dated 20 May 2016, was refused by notice dated 1 July 2016.
 - The development proposed is a single storey brick extension to rear of the house with a pitched tiled roof.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.

Reasons

3. No 3 Durbar Road is a semi-detached property located in a residential area of Luton. The proposal would extend across the whole width of the property and have a depth of 6 metres from the rear of the dwelling. The height of the eaves is dimensioned as 2.5 metres, with the ridge height shown as 4 metres.
 4. The adjoining neighbour, 5 Durbar Road, has a ground floor door and window close to the property boundary which at the time of my site visit appeared to serve a bedroom. The proposed extension would have a parapet wall along the boundary to No 5 which would be in excess of 2.5 metres high for a distance of 6 metres from the original dwelling. When viewed from the ground floor rear window, this would appear as a long high wall and would have an overbearing impact on the occupiers of No 5, principally as a result of the extension's depth.
 5. In relation to the effect on sunlight, the extension is located on the north-east side of No 5. Therefore, given its orientation to sunrise/sunset it would only result in a limited blockage of sunlight early in the morning. In respect of daylight, given the size and depth of the window opening and the relative
-

height of the parapet wall, on the evidence before me, there would not be a significant loss of daylight.

6. The Council have also raised concern over the impact of the extension from the garden area. Whilst the extension would have some impact in relation to outlook, this is not as severe as the impact to the ground floor bedroom and is not a determinative factor on its own. I consider that, for the same reasons outlined above, the extension would not have any significant impact on the availability of sunlight or daylight to the garden.
7. Turning to the effect of the development on 1 Durbar Road, the extension would be sited approximately 1.35 metres away from the boundary, with a similar gap to the neighbouring dwellinghouse itself. No 1's kitchen has both side and rear facing windows, with the side windows being located opposite the existing side wall of No 3.
8. Given the existing relationship between the two properties I consider that there would not be any significant impact on outlook when looking from the side facing windows of the kitchen. The rear facing window would be in the region of 4 metres to the side of the proposed extension. As such, given this offset, and the relative height of the extension, there would not be any significant loss of outlook from the rear window. In relation to the availability of both sunlight and daylight, given the position and height of the extension, it would not result in any significant impact on the kitchen. In respect of No 1's garden, the extension would not have any significant effect on either outlook or daylight. Whilst it would result in some sunlight blockage in the afternoon given its limited height, and the offset from the boundary, this would not have a significant impact on the living conditions of the occupiers.
9. I have also had regard to the effect of the development on the other adjoining residential properties. The Council do not consider that the proposal would have an adverse impact on the living conditions of any other neighbouring occupiers and I have no reason to disagree.
10. I have taken into account the appellant's need for a larger kitchen and more space for entertaining for his family but these personal circumstances do not outweigh the harm to the adjacent occupiers. The particular manner that No 5 is occupied does not negate the need to consider the residents' living conditions
11. In addition to the above, I note that the Council have questioned whether the extension would be entirely within the curtilage of 3 Durbar Road as the plans seem to indicate that the wall to the extension may be over the boundary with No 5. However, this issue does not affect my findings on the main matters which I am required to consider.

Conclusion

12. For the reasons given above I conclude that the extension would harm the living conditions of the occupiers of 5 Durbar Road and therefore the appeal should be dismissed.

Chris Forrett

INSPECTOR