
Appeal Decision

Site visit made on 11 October 2016

by Mike Hayden BSc DipTP MRTPI

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

Decision date: 17 October 2016

Appeal Ref: APP/B0230/D/16/3151425
58 Montrose Avenue, Luton LU3 1HS

- 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 Moyb Ali against the decision of Luton Borough Council.
 - The application Ref 15/01841/FUL, dated 15 December 2015, was refused by notice dated 23 March 2016.
 - The development comprises conversion and extension of a garage/outbuilding to incidental enjoyment area.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my visit the development had already been built. From my observations the extended outbuilding appears to have been constructed to the size and scale shown on the submitted plans and in the position shown on the block plan (drawing no. FTS-C2015-125/05). I have determined the appeal on this basis. Although the plans do not show the existing conservatory to the rear of the main house, I noted its position at the site visit and have taken account of this in reaching my decision.

Main Issues

3. The main issues in this appeal are the effects of the development on:
 - the street scene in Culverhouse Road and the character and appearance of the surrounding area; and
 - the living conditions of the occupiers of the adjoining property at 60 Montrose Avenue, with particular regard to outlook.

Reasons

Character and Appearance

4. The appeal property is situated on a corner plot at the junction of Montrose Avenue and Culverhouse Road. Its rear garden, in which the outbuilding is located, faces onto Culverhouse Road, giving a clear view of the outbuilding from Culverhouse Road above the rear garden boundary fence. I noted on site that Montrose Avenue and Culverhouse Road are busy streets, used by significant numbers of vehicles and pedestrians. As such, the appeal property and the outbuilding are highly visible, on a prominent corner and seen by many passers-by.

5. Saved Policy ENV9 of the Luton Local Plan (2006) (the Local Plan) establishes a number of design principles for new development in Luton. These include requirements that development should enhance the character and appearance of the area and respect the scale and proportion of existing buildings, building lines and heights within the street scene. Government policy in section 7 of the National Planning Policy Framework (the Framework) also attaches great importance to the design of the built environment. Paragraph 58 of the Framework aims to ensure that developments add to the overall quality of the area and respond to local character.
6. The outbuilding is seen principally in the context of Culverhouse Road, the character and appearance of which is formed by a street frontage of symmetrical pairs of semi-detached houses set back from the road to a consistent building line. Based on the plans submitted it appears that the original detached garage was positioned in the north-west corner of the rear garden, set well back from the front wall of the adjoining house at 1A Culverhouse Road and the line of the street frontage. However, the extended outbuilding projects well forward of the front wall of no. 1A and its gable end extends to almost 4 metres in height. As a result the outbuilding is highly visible and prominent within the street scene and its bulk and forward projection disrupt the established building line and rhythm of the street, detracting from the character and appearance of Culverhouse Road.
7. The extension to the south side of the outbuilding is set further back along the side boundary with 60 Montrose Avenue. Nevertheless due to its height and length it is also very visible from Culverhouse Road. The combination of the two extensions has tripled the size of the original garage. The resultant outbuilding occupies almost half of the rear garden of the property and appears oversized and bulky in comparison to other more modest garages and outbuildings seen elsewhere along in the street.
8. I note the appellant's reference to the extension at 42 Montrose Avenue as setting a precedent for overlarge additions to houses in the area. However, it is a core principle of the planning system that each application is determined on its own merits. Whilst the extension to no. 42 is large, its design, detailing and set back are such that it appears entirely sympathetic to the appearance of the original dwelling and to building lines and heights within the street.
9. Therefore, I conclude that the size, scale, position and prominence of the extended outbuilding result in it appearing as an unsympathetic addition to the street scene of Culverhouse Road, which causes significant harm to the character and appearance of the area as a whole. Consequently, it is contrary to saved Policy ENV9 of the Local Plan and fails to comply with paragraph 58 of the Framework.

Living Conditions

10. I acknowledge that the extension to the outbuilding on its south side added to the existing conservatory to the rear of the appeal property result in an almost continuous line of buildings along the side boundary with 60 Montrose Avenue. However, there is a substantial, evergreen landscape screen along this boundary within the garden of no. 60, comprising a mature Laurel hedge which reaches above the eaves height of the outbuilding and several tall conifer trees. Although I was unable to view the outbuilding from no. 60, it was evident that together these shrubs mostly obscure the view of the outbuilding from the rear of no. 60.

11. Accordingly, I find that the extended outbuilding does not cause unacceptable harm to the living conditions of the occupiers of 60 Montrose Avenue, with regard to outlook. Consequently, on this issue, the development complies with saved Policies H4(b) and LP1(e) of the Local Plan, in that it does not unacceptably reduce the amenity or quality of life of the neighbouring occupier in respect of visual intrusion. However, the limited harm to the neighbour's living conditions does not outweigh the significant harm the development causes to the character and appearance of the area.

Conclusion

12. Therefore, for the reasons given above and taking all other matters into account, I conclude that the appeal should be dismissed.

M Hayden

INSPECTOR