

Appeal Decision

Site visit made on 6 December 2016

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 3 January 2017

Appeal Ref: APP/B0230/D/16/3160492

33 Humberstone Road, Luton LU4 9SP

- 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 K Patel against the decision of Luton Council.
 - The application Ref 16/01287/FUL, dated 18 July 2016, was refused by notice dated 13 September 2016.
 - The development is the retention of single storey rear extension and refurbished garage area.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 33 Humberstone Road, Luton LU4 9SP in accordance with the terms of the application, Ref 16/01287/FUL, dated 18 July 2016, subject to the following condition:
 - 1) The development hereby permitted shall accord with the following approved plans: Location Plan, Block Plan, 456/HUM/NOV15, 456A/HUM/NOV15 and 456B/HUM/NOV15.

Main Issues

2. The main issues in this appeal are the effect of the proposal on the character and appearance of the area and the effect on the living conditions of the occupiers of the neighbouring property at No 35 Humberstone Road in respect of their outlook and light.

Preliminary matters

3. The development is described as the retention of a single storey extension and refurbishment of a garage, and from my site visit it was apparent that these structures were already in place. However the description of the development given in the appeal form and on the Council's decision omits reference to the refurbished garage. This suggests both parties agree this part of the proposal is not for me to consider and I have determined the appeal on this basis.

Reasons

Character and appearance

4. The site accommodates a semi-detached property in a row of similar properties. Indeed the wider area is strongly characterised by semi-detached dwellings. Although the extension is to the rear of the house, it is visible in the
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Granby Road street scene above the fences on the boundaries between the appeal site and No 35, and between No 35 and Granby Road.

5. The extension does appear as a substantial addition to the house. However it is similar in scale and height to the single storey side extension at No 35. Furthermore there is a two storey flat roofed rear extension at No 31 and there are single storey rear extensions at Nos 37 and 39. While none of these extensions project as far backwards as that at the appeal site, they all contribute to the varied character and appearance of the rear elevations of the dwellings in proximity of the site and all are visible in the Granby Road street scene. In this context, the extension does not appear excessively large or inharmonious with the character of the existing house and so does not detract from the appearance of the host property in the Granby Road street scene
6. Also, although the rear garden at the site is not large, a significant proportion of it is still available even with the garage and extension in situ. Therefore the development does not overdominate the site.
7. Consequently the development does not harm the character and appearance of the area. It therefore accords with Policy H4 of the Luton Local Plan (LLP) which requires extensions to be consistent with the scale of the dwelling and neighbouring properties and Policy ENV9 of the LLP which aims to ensure development enhances the character and appearance of areas. It also accords with Policy LP1 of the LLP and the National Planning Policy Framework (the 'Framework') which both encourage sustainable development.

Living conditions

8. The extension would be close to the boundary with No 35 and would be visible above the intervening boundary fence which is around two metres in height. The dwelling at No 35 has a pair of patio doors close to the common boundary. Although I did not view the extension through the patio doors, I consider the extension would appear prominently from here.
9. However No 35's position at the junction of Granby Road and Humberstone Road means it has a very open aspect to its rear and north side. As such, whilst the outlook from these patio doors is affected by the extension I consider an acceptable outlook is retained. Additionally as these doors allow a considerable amount of light to enter the room they serve, more so than if they were a traditional window, I consider any reduction in the amount of light entering the room as a result of the extension is not significant.
10. There is another ground floor window at No 35 further from the boundary, but due to its distance from the extension it is not considered that the outlook from this window or the light received by this window is adversely affected.
11. Consequently the extension does not harmfully affect the living conditions of the occupiers of No 35. Accordingly, in this respect also, the development accords with Policy H4 which requires extensions to not significantly reduce the amenity of nearby occupiers, Policy ENV9 which aims to ensure development respects other buildings, Policy LP1 and the Framework.

Conditions

12. I have considered the requirements of the Planning Practice Guidance and the Framework in respect of conditions, and have imposed one condition in order to provide certainty.

Conclusions

13. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

Andrew Owen

INSPECTOR