

Appeal Decision

Site visit made on 14 February 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 01 March 2017

Appeal Ref: APP/B0230/W/16/3161983

4 Thornhill Road, Luton LU4 8EY

- 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 J McMahon against the decision of Luton Council.
 - The application Ref 15/01546/FUL, dated 16 October 2015, was refused by notice dated 28 April 2016.
 - The development proposed is conversion of existing loft space to create two one bedroom flat units together with new dormers to front and back roof elevations and new extension to form stair tower to loft.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing loft space to create two one bedroom flat units together with new dormers to front and back roof elevations and new extension to form stair tower to loft at 4 Thornhill Road, Luton LU4 8EY in accordance with the terms of the application, Ref 15/01546/FUL, dated 16 October 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with approved plans: Site and Location Plan Drawing No ATK/15/JM/TH/TP5, Proposed Roof Plan Drawing No ATK/15/JM/TH/TP2, Proposed Elevations Drawing No ATK/15/JM/TH/TP2A, Proposed Floor Plans Drawing No ATK/15/JM/TH/TP4A (amended 26/11/15), Section Through Drawing No ATK/15/JM/TH/TP5A all dated September 2015.
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of nearby residents with particular regard to outlook and light.
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Reasons

Character and appearance

3. The appeal building is a detached block of three flats on Thornhill Road close to its junction with Dunstable Road.
4. The properties on Thornhill Road are mainly semi-detached dwellings with pitched roofs all set a similar distance from the road with relatively even spacing between them giving a relatively uniform character and appearance. However, the large detached appeal building, other detached properties in and around the junction of Dunstable Road and Thornhill Road are more informally arranged and of different sizes, giving the area in the immediate vicinity of the appeal site a more varied character and appearance.
5. The proposed dormer windows facing Thornhill Road would be set down from the ridge and up from the eaves of the main roof. They would appear subordinate to the main roof and in proportion with the appeal building. I acknowledge that none of the dwellings nearby on Thornhill Road have dormer windows facing the road. However, there are dormer windows on the rear roof slopes of other properties nearby on Dunstable Road. For these reasons, I find the proposed dormer windows facing Thornhill Road would not harm the appearance of the appeal building nor would they appear out of place.
6. Turning my attention to the proposed dormer windows to the rear of the appeal building and the proposed extension to form a stair tower. The proposed dormer windows would appear subordinate to the main roof slope and in line with the ground and first floor windows. The proposed extension would be a relatively narrow and modest addition which would be finished in matching materials. Therefore, I find both the dormer windows on the rear roof slope and the proposed extension to form a stair tower would be in keeping with and in proportion with the host building.
7. For these reasons, I therefore conclude that the proposals would not harm the varied character and appearance of the area. Thus, the proposed development would accord with saved Policies LP1 and ENV9 of the Luton Local Plan (2006) (LP) and the National Planning Policy Framework (the Framework) which, taken together, aim to ensure good design.

Living conditions

8. The proposed extension to form a stair tower would project some 3.4 metres from the rear elevation of the appeal building. An existing window and door to a ground floor kitchen would be replaced with a single door. Furthermore, a first floor window serving a store would be removed and a first floor window serving a kitchen would be reduced in size.
9. However, sufficient openings would remain to ensure that all of the main habitable rooms of the existing flats would benefit from an outlook, natural light and would not feel dark and gloomy. Furthermore, the proposed extension would be some distance away from the other windows in the rear elevation of the appeal building, such that there would be no significant reduction in light entering those windows and the proposal would not generate any feeling of enclosure.

10. With regard to the effect of the proposed rear extension on the occupants of the dwellings opposite. The proposed extension would be relatively narrow with a sloping roof and would be some distance from the front elevations of the dwellings opposite. Thus, when viewed against the substantial two storey building it would not be overbearing.
11. For these reasons, the proposal would not harm the living conditions of the occupants of nearby residents with particular regard to light and outlook. The proposed development would therefore accord with saved Policy LP1 of the LP and the Framework which, taken together, aim to ensure new development does not harm the living conditions of nearby residents.

Conditions

12. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. I have also imposed a condition which requires materials to match the existing building in the interests of safeguarding the character and appearance of the area.

Conclusion

13. For the reasons set out above, I conclude that the proposed development would accord with the development plan and thus the appeal should be allowed.

L Fleming

INSPECTOR