
Appeal Decision

Site visit made on 5 April 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 11 April 2017

Appeal Ref: APP/B0230/D/17/3169852

9 Rowelfield, Luton, Beds LU2 9HL

- 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 Mrs Neena Khan against the decision of Luton Council.
 - The application Ref 16/01405/FUL, dated 24 July 2016, was refused by notice dated 6 January 2017.
 - The development proposed is 'retrospective permission for extension to outbuilding'.
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Decision

1. The appeal is allowed and planning permission is granted for 'retrospective permission for extension to outbuilding' at 9 Rowelfield, Luton, Beds LU2 9HL, in accordance with the terms of the application, Ref 16/01405/FUL, dated 27 July 2016, subject to the following condition:
 - 1) The development hereby permitted is as shown on the following approved plans: 11/16-P1, 11/16-P3 and 11/16-P4.

Main Issues

2. There are two main issues. These are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of the occupiers of neighbouring dwellings, with specific regard to Number 43 Mossbank Avenue.

Reasons

Character and Appearance

3. The appeal site is the rear garden of Number 9 Rowelfield. The development is a single storey side extension to a previously approved detached single storey brick outbuilding. The outbuilding has a flat roof. The extension is finished in contrasting metal and UPVC with a shallow lean to roof sloping upwards towards the building. It extends the building towards the garden boundary. A brick wall separates the garden with Mossbank Avenue.
 4. In the context of the outbuilding and the plot, the extension covers a small overall floor area. The majority of its elevations are screened from public view by what is a tall and well-designed brick boundary wall running the full length of the side garden boundary and returning to the front and rear. The wall results in a small section of the top of the walls and the roof of the extension being visible from the street.
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5. The external treatment and the roof shape of the extension clearly contrast with the building to which it is attached. In addition, the extension projects beyond the established building line of properties that front Mossbank Avenue to the south.
6. The aforementioned boundary wall is a significant design feature in itself which dominates the Mossbank Avenue street scene where it meets Rowelfield. It contains the extension both physically and visually. Additionally, there is a small tree to the front garden of No 43 Mossbank Avenue which provides some additional screening. There are a number of detached garages in the Mossbank Avenue street scene, in a variety of roof designs and with contrasting coloured doors. They are sited at varying angles and projections relative to their host dwelling. There is also a small lean-to timber framed extension with a corrugated material roof to the side elevation of No 7 Rowelfield, opposite the appeal site.
7. All of these elements together contribute towards the context of the extension and when considered along with the degree of screening it has in the public realm I conclude that it is not unduly prominent or dominating and thus does not harm the character or appearance of the area. Consequently, and with regard to this main issue, the development does not conflict with saved Policies LP1, ENV9 or H4 of the Local Plan¹. These Policies, amongst other things and along with section 7 of the Framework², seek to ensure that new development is sustainable, is of a high quality and contextually appropriate design and respects or enhances the character of areas.
8. I accept that the extension does create additional volume and floor space over and above the consented building. I also note that it was reduced in size prior to being granted planning permission. Notwithstanding this, and for the reasons I have set out above, I do not find that the extension results in any cumulative harm.

Living Conditions

9. The extension is attached to an outbuilding which is at the far end of the garden to No 9 Rowelfield at the point where the boundary is shared with No 43 Mossbank Avenue. The extension projects beyond the front elevation of the latter and is directly adjacent an area of land its occupiers use as vehicular access and parking.
10. The extension is visible to occupiers of No 43 but, for largely the same reasons as I have set out above, so is the boundary brick wall which as I have stated is the more dominant street scene feature. The extension is no taller than the consented outbuilding itself and the shape of the shared boundary at the point where the extension is, is splayed away from No 43. It is closest to the front of the plot of No 43, a noticeable distance from its private garden space.
11. It is for these reasons that I do not find harm is caused by the development to the living conditions of the occupiers of No 43 Mossbank Avenue. As a result, and with regard to this main issue, the development complies with saved Policies LP1, ENV9 and H4 of the Local Plan. These Policies seek to ensure, amongst other things, that new development is sustainable and is not harmful to the amenities of neighbouring occupiers. The development also complies

¹ Luton Local Plan 2001-2011 (Adopted 2006)

² The National Planning Policy Framework 2012

with one of the core principles of the Framework which requires a good standard of amenity for existing and future occupiers of land and buildings.

Conditions

12. I have regard to the condition as suggested by the Council. As the scheme before me seeks retrospective planning permission, and in the interests of clarity and enforceability, I have revised the wording of the suggested condition to confirm the plans to which the planning permission relates rather than in accordance with which plans it is to be carried out.

Conclusion

13. For the reasons and subject to the condition set out above, the appeal is allowed.

John Morrison

INSPECTOR