
Appeal Decision

Site visit made on 16 May 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

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

Decision date: 01 June 2017

Appeal Ref: APP/B0230/D/17/3172959

423 Dallow Road, Luton, Bedfordshire LU1 1UL

- 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 Fawzia Khanam against the decision of Luton Borough Council.
 - The application Ref 16/01028/FUL, dated 10 June 2016, was refused by notice dated 8 February 2017.
 - The development proposed is the construction of first floor rear extension over existing single storey rear extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the host property and the surrounding area; and the living conditions of 421 Dallow Road with particular regard to outlook, light and overshadowing.

Reasons

Character and Appearance

3. The southern side of Dallow Road is predominantly residential in character with commercial units to the north. The appeal property is the end of a terraced group of 4 properties with rear gardens that are south facing, narrow and deep.
 4. The appeal property has an existing single storey rear extension that is approximately 5.2 metres deep and 4.2 metres wide with a pitched roof. It is set in from the boundary with the adjoining property, No 421, by around 0.55 metres. There is no inset from the main house on the western elevation.
 5. The proposed development would involve the addition of a first floor to the existing rear extension. The first floor extension would not have the same dimensions as the ground floor element. It would be approximately 4.5 metres deep and 3.2 metres wide. The first floor extension would be positioned to match the existing eastern side wall of the ground floor extension, as such being inset from the boundary with No 421 by around 0.55 metres. On the western side, closest to No 425, the first floor side wall would be inset by approximately one metre from the side wall of the ground floor element. The first floor extension would have a flat roof located just under the eaves of the
-

main house. It would add a total of 2.5 metres to the overall height and part of the pitched roof to the existing ground floor would still remain.

6. I find that significant harm would arise from the combination of the two extensions representing an incongruous addition to the rear elevation of 423 Dallow Road. The cumulative effect would not enable the combined extension to be viewed as sufficiently subordinate to the main dwelling. The scale and siting of the resultant addition would not be sufficiently sympathetic to the character and appearance of the rear elevations of the surrounding properties on Dallow Road. Consequently the proposed first floor extension fails to satisfy the saved policies ENV9 and H4 of the Luton Local Plan, adopted 2006, which requires new development to respect the scale, proportions and design of existing dwellings.

Living Conditions

7. No 421 is attached to the appeal property and it has no rear extensions. Although Nos 423, 421, 419 and 417 are a terrace, in fact Nos 421 and 419 have rear elevations which are inset by approximately 0.3 metres from the rear elevations of Nos 417 and 423 respectively. The rear elevation of No 421 at first floor level contains a bedroom window and an obscure glazed bathroom window. The bedroom window is positioned close to the shared boundary with No 423. The presence of a 4.5 metre deep projecting wall of the proposed first floor rear extension, in combination with the 0.3 metre inset, would have an enclosing effect on the outlook from this bedroom window. It would reduce the general light available into this bedroom and overshadow it in late afternoon. I find that harm would arise to the living conditions of the occupiers. The harm I have identified is significant because it is the only source of light for this bedroom.
8. No 421 has two clear glazed windows at the ground floor level. The existing single storey extension at the appeal property already results in some overshadowing in the afternoon. The addition of the first floor extension would further reduce the light to the ground floor windows and increase the overshadowing effect. I find that harm would arise to the living conditions of the occupiers, although this harm is mitigated to a degree by the ground floor habitable room having more than one window. This does not outweigh the significant harm that I find in relation to the impact on the first floor bedroom window.
9. I find that there would be significant and demonstrable harm to the living conditions at 421 Dallow Road with particular regard to light, outlook and overshadowing. It would conflict with the aims of saved policies of the Luton Local Plan, adopted 2006, in particular Policy LP1 regarding sustainable development; and Policy H4 which requires extensions to avoid a significant reduction in the living conditions of nearby occupiers.

Other Matters

10. The plans indicate the insertion of a new first floor window in the side elevation of the original property which would face an existing side window in No 425. This is of concern to the occupiers of No 425 in terms of overlooking and privacy. If I were minded to allow this appeal this could be addressed through the imposition of a suitable planning condition requiring obscure glazing and the window being fixed closed.

11. The appellant has made reference to other rear extensions on Dallow Road. However from the limited information before me about the ages of these extensions and the circumstances of their construction, I find them not to be sufficiently similar to this appeal proposal. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.

Conclusions

12. I conclude that the proposal would significantly harm the character and appearance of the host property and the surrounding area, and also the living conditions of No 421 Dallow Road. It would be contrary to the saved policies LP1, ENV9 and H4 of the Luton Local Plan, adopted 2006.
13. The appeal is dismissed.

Rachael A. Bust

INSPECTOR