

Appeal Decision

Site visit made on 24 May 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 23rd June 2017

Appeal Ref: APP/B0230/D/17/3173433

13 Sherborne Avenue, Luton LU2 7BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Schoud Choudhury against the decision of Luton Borough Council.
 - The application Ref 17/00199/RES, dated 5 February 2017, was refused by notice dated 20 March 2017.
 - The development proposed is the erection of a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of occupiers of 15 Sherborne Avenue with regards to outlook and light.

Reasons

4. 13 Sherborne Avenue has an existing small single storey rear extension. The proposed development would result in a single storey rear extension with an overall depth of 6 metres from the rear wall of the original house. The maximum height of the extension would be 4 metres, with an eaves height of 3 metres.
 5. 15 Sherborne Avenue to the north is separated from No 13 by a side passage for each property, but the original rear building line is similar for both properties. No 15 has no extensions at the rear, with ground floor doors and windows serving a kitchen and living space. The rear patio and garden at No 15 is at a slightly lower level than No 13, with a timber fence running along the side boundary between the properties.
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6. The proposed development would be set back from the side boundary with No 15, but would add considerable depth, height and bulk close to this boundary. When viewed from either the rear windows and doors of No 15 or its patio and garden, and mindful of the fall in levels, it would be a dominant feature extending significantly above and along any boundary fencing. The width of the rear garden at No 15 would limit any tunnelling effect with the existing extension at No 17, but there would still be a negative effect on living conditions for the occupiers of No 15 in terms of outlook.
7. Given the orientation of No 15 to the north of No 13, there would also be an effect on sunlight to the rear elevation and patio of No 15, particularly in the afternoons when the extension would overshadow. Again, the width of the rear garden at No 15 would allow sufficient daylight to be maintained, but there would still be a negative effect on living conditions in terms of sunlight.
8. The single storey rear extension constructed at No 17 is not as deep as the proposed development with a lower eaves height according to the evidence before me. The single storey rear extension allowed at appeal in Oldbury¹ has the same depth as the proposed development, but according to the Inspector's decision, was to be set back from the side boundary with the neighbouring property by a greater distance than is this case here. Thus, neither example is directly applicable to this appeal.
9. For completeness, I have considered the effect of development on the adjoining property at No 11, but consider that the existing single storey rear extension at No 11 would limit any adverse effects on living conditions for occupiers of that property. Properties to the west on New Bedford Road are a considerable distance away and would not be affected in terms of the living conditions of their occupiers.
10. In summary, the proposed development would result in harm to the living conditions of occupiers of 15 Sherborne Avenue in terms of outlook and light. In coming to this conclusion, I have taken into account Policies LP1 and H4 of the Luton Local Plan 2001-2011 which, amongst other things, seek to improve the quality of life for residents and avoid significant reductions in the amenity of nearby occupiers in respect of visual intrusion and loss of light.

Conclusion

11. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR

¹ APP/G4620/D/14/2211712