

Appeal Decision

Site visit made on 16 August 2017

by P G Horridge BSc(Hons) DipTP FRICS MRTPI

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

Decision date: 22 August 2017

Appeal Ref: APP/B0230/D/17/3178388
26 Belgrave Road, Luton LU4 9AR

- 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 John Connolly against the decision of Luton Borough Council.
 - The application Ref 17/00188/FUL was refused by notice dated 5 April 2017.
 - The development proposed is a ground floor rear extension; convert loft to living accommodation; canopy roof to front and rear elevations.
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Preliminary Matters

1. The description of development above is taken from the application form. The council and the appellant later agreed to amend it to read: "erection of single storey rear extension with half hip roof creating two storey rear elevation, front and side canopies, side dormer window and roof lights."

Decision

2. The appeal is dismissed.

Main issues

3. At issue is the effect of the proposal, firstly on the character and appearance of the area, and secondly on the living conditions of residents of 36A Vincent Road, with particular regard to overshadowing and visual intrusion.

Reasons

4. Number 26 is a bungalow located close to the junction between Belgrave Road and Vincent Road in a residential area of Luton. The adjoining properties to the east in Belgrave Road are also bungalows, but elsewhere in the road and in Vincent Road are a wide variety of detached and semi-detached bungalows and two-storey houses in a mixture of styles. Immediately to the west of the site is 36A Vincent Road which occupies a narrow plot with the house itself located alongside the rear garden of 26 Belgrave Road.
 5. The main elements of the proposal are to extend the property at the rear, replacing the present conservatory, which occupies about half the width of the rear elevation, with a full-width extension, and to utilise the roof space above the extended building to create further bedrooms which would be lit by a first floor window in the new rear elevation, a side dormer facing east, and roof lights.
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6. Relevant planning policies are contained in the Luton Local Plan 2001-2011 (LP), adopted in 2006. Policy LP1 sets out a sustainable development strategy, seeking among other matters to improve the physical environment of the town and the quality of life of its residents. Policy H4 deals more specifically with house extensions; they should be of a scale and design consistent with the main building and its neighbours, and should not adversely affect the living conditions of neighbouring residents. In respect of design, both Policy H4 and ENV9 require new development to respect the scale and design of existing buildings.
7. Although now of some age, these policies are nevertheless consistent with paragraph 17 of the National Planning Policy Framework which states that planning should always seek to secure a good standard of amenity for all existing and future occupiers of land and buildings and with section 7 which states that poor design, and developments that fail to respond to local character and have an adverse effect on the local environment, should be refused.
8. The council acknowledges that the use of side dormers is an established feature in the street and the proposal would not have a damaging impact on the street scene. Its concerns on the first issue relate mainly to the use of a half hip on the rear elevation which it says would not reflect the character of the existing property and neighbouring dwellings. I noted that a nearby property in Vincent Road also has half hips so this feature would not be without precedent in the area. Moreover, given the wide variety of architectural styles in the locality, such a feature would not be out-of-place, and indeed could add some visual interest. The proposal would not therefore adversely affect the character and appearance of the area contrary to LP Policies H4 and ENV9.
9. The proposed extension would bring the built form of 26 Belgrave Road closer to 36A Vincent Road. The planning officer's report suggests that the distance between the two buildings would be only 1.5m at its closest point but I am more inclined to agree with the appellant's calculation that the true distance would be around 4.085m. The appellant has produced an assessment that seeks to demonstrate that the extension would comply with the good practice guidance set out in the BRE publication 'Site Layout Planning for Daylight and Sunlight'. However, while this assessment addresses the effect of the existing property at 36A Vincent Road on sunlight and daylight reaching the proposed extension¹, it does not deal with the more pertinent reverse situation which is the effect of the proposed extension on the sunlight and daylight reaching 36A Vincent Road.
10. This property has a main lounge window facing south as well as a patio area outside the lounge, both of which would be close to the proposed extension. The outlook from both these areas, as well as the amount of daylight reaching them, is already curtailed by evergreen hedges along both sides of the garden. However, the extension would exacerbate this situation. Its effects would be partly mitigated by the fact that 36A is offset to the west of the appeal building. Moreover, in weighing the overall impact on the living conditions of residents of 36A, account may also be taken of the fact that the proposed extension would result in an improvement in the present level of mutual overlooking between the rear bedroom and conservatory of the appeal property

¹ although it is not clear why a height of 2m above ground level has been chosen as the reference point, nor whether any difference in ground levels has been properly taken into account

and the rear of 36A. Nevertheless, on the information available to me and on the basis of what I saw on my site inspection, I conclude that the proposed extension would on balance have an adverse effect on the living conditions of residents of 36A Vincent Road, contrary to the requirements of LP Policies LP1 and H4, by reason of loss of light and outlook. These considerations are sufficient to justify dismissal of the appeal, notwithstanding that the proposal would not have a detrimental impact on the appearance of the locality.

Peter Horridge

INSPECTOR