
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/17/3177033

32 Gardenia Avenue, Luton LU3 2NS

- 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 Massarat Raja against the decision of Luton Borough Council.
 - The application Ref 17/00304/FUL was refused by notice dated 10 April 2017.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main issues

2. At issue are the effects of the proposed extension, firstly on the living conditions of residents of the neighbouring property, 30 Gardenia Avenue, with particular regard to visual intrusion and loss of outlook, and secondly on the character and appearance of the dwelling.

Reasons

3. 32 Gardenia Avenue is a two-storey terrace house¹ located in a residential area of Luton. The application follows the rejection on appeal of an earlier proposal for a single storey rear extension (APP/B0230/D/15/3029534). The current proposal is for a modified scheme. In both schemes the extension would project about 4m beyond the rear of the house. However, the current scheme proposes a flat roof instead of a pitched roof, and is also set in a short distance (740mm) from the side boundary with number 30 whereas the previous proposal was to have been built close to the side boundaries on each side. The extension would house a living room/shower room.
4. 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. Similarly, in respect of design, Policy ENV9 requires new development to respect the scale and design of existing buildings. Although now of some age, these policies are nevertheless

¹ albeit, while originally two-storey, the roof space has subsequently been converted into living accommodation

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.

5. There are a number of rear extensions to neighbouring dwellings in this terrace of houses, of a variety of designs. The appellant draws particular attention to that at 26 Gardenia Avenue which she says is of a similar width and projection to the one she proposes and which was permitted by the council only recently. The council regards the decision to approve this extension as a mistake. I noted that, unlike the situation at 32, the extension at 26 is flanked by other single storey projections. The existence of these other extensions does not therefore set a precedent, and the appeal proposal must be judged on its own merits.
6. Notwithstanding that the extension would be set back some 740mm from the side boundary, it would nevertheless be wider (by 1m) than the existing two-storey rear wing from which it would project. The adjoining property at 30 Gardenia Avenue has a similar rear wing with a main window in the ground floor side elevation. The proposed extension, by virtue of its width and length, would have an overbearing and visually intrusive effect on the outlook from this window, contrary to LP Policies LP1 and H4.
7. By projecting beyond the side wall of the original two-storey rear wing, rather than continuing the plane of the wall, the extension would also represent a discordant feature, failing to respect the scale and design of the existing dwelling, contrary to LP Policies H4 and ENV9.
8. Overall therefore the extension would adversely affect the living conditions of residents of 30 Gardenia Avenue by reason of visual intrusion and loss of outlook, and would also represent a discordant feature detrimental to the appearance of the host dwelling. The appeal is therefore dismissed.

Peter Horridge

INSPECTOR