



Appeal Decision

Site visit made on 18 October 2017

by J Gilbert MA (Hons) MTP MRTPI

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

Decision date: 25th October 2017

Appeal Ref: APP/B0230/D/17/3179324

11 Markfield Close, Luton LU3 2HY.

- 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 Mr Mia against the decision of Luton Council.
 - The application Ref 17/00371/FUL, dated 22 February 2017, was refused by notice dated 13 April 2017.
 - The development proposed is described as "two storey side and rear extension, single storey rear with extended dropped kerb to front."
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council raises no concerns regarding the proposed dropped kerb. Accordingly, the main issues in this appeal are the effect of the proposed two-storey side extension and single-storey and two-storey rear extensions on (i) the character and appearance of the dwelling and the surrounding area; and (ii) the living conditions of the neighbouring occupiers at 12 Markfield Close, with particular regard to outlook and light.

Reasons

(i) Character and Appearance

3. Markfield Close is characterised by two-storey detached and semi-detached houses. 11 Markfield Close is a detached property set back from the street behind a short front garden. The neighbouring gable-fronted detached house at No 12 is set at a right angle to the appeal property. Nos 11 and 12 are separated by a single-storey pitched roofed building attached to the flank wall of No 12. This provides a garage for No 11 and a habitable room for No 12. Despite the presence of single-storey side extensions and garages within the street, reasonable gaps remain between the houses. These gaps contribute to the area's character, providing a sense of spaciousness and openness between properties.
4. The proposed development would include the demolition of No 11's garage and the erection of a two-storey side extension and single-storey and two-storey rear extensions to No 11. The single-storey element of the proposed rear extension would extend approximately 7.6m from the existing rear elevation. The first floor element of the proposed rear extension would extend

approximately 5.7m from the existing rear wall, stepping back by approximately 2.7m close to the boundary with No 12. There would be a narrow gap of less than 0.9m maintained between the side of the retained single-storey building at No 12 and the proposed two-storey side extension to No 11. The proposed two-storey side extension of approximately 3.2m in width would be level with the front wall, roofslope and ridgeline of No 11.

5. The width of the proposed two-storey side extension, its lack of set-back from the front or set-down from the main ridgeline of No 11, is such that it would significantly increase the width of the house when viewed from the street. The proposed two-storey side extension would also eliminate much of the gap at first floor level between Nos 11 and 12. Furthermore, and despite having taken into account the staggered layout of the houses and the visibility of the proposed rear extensions from the street scene, the juxtaposition of the extended house with its neighbour at No 12 and the loss of much of the existing gap between houses would give rise to a more cramped and uncomfortable arrangement of houses than is currently the case. The openness of the street scene would therefore be reduced by the insertion of the proposed two-storey side extension.
6. Although the existing house has a wide front elevation of approximately 10.1m, the proposed two-storey side extension would increase the width of the house by almost a third again. Given the different house types on the street, with some houses having narrow front gables and others being similar to the appeal property, the introduction of an extended house of approximately 13.3m in width would be overly prominent and would not relate well to the prevailing pattern of development within the street.
7. Although the proposed single-storey and two-storey rear extensions would not be visible from the street, when taken together with the proposed two-storey side extension, they would significantly increase the overall bulk of No 11. This intensive form of development would fail to respect the scale and proportions of the original house, would contribute to the extended house being cramped within its site and would be disproportionately large in contrast to its neighbours. The lack of public visibility does not render the proposed extensions acceptable.
8. I conclude that the proposed two-storey side extension and single-storey and two-storey rear extensions would unacceptably harm the character and appearance of the dwelling and the surrounding area. This would be contrary to policies LP1, ENV9 and H4 of the Luton Local Plan 2001 - 2011(2006) and the National Planning Policy Framework (the Framework). Policy LP1 is a general policy which addresses the Council's sustainable development strategy and requires development to contribute to the borough's urban renaissance and improve residents' quality of life. Policy ENV9 states that development should enhance an area's character and appearance and respect existing buildings' scale and proportions. Policy H4 requires extensions to be generally consistent in scale, design, and external materials to their host building and neighbouring properties. The proposal would also be contrary to a core planning principle of the Framework, which seeks to secure high quality design.

(ii) Living Conditions

9. The existing house at No 11 lies close to the boundary with No 10, a detached house of the same design as the appeal property. No 10 is set back further

from the street than the appeal property. Given the staggered nature of the buildings at Nos 10 and 11, the Council considers that the proposed extensions would not detrimentally affect the living conditions of occupiers of No 10. I concur with this view.

10. On the other side of the appeal site, No 12 is currently separated from No 11 by a single-storey building and an alleyway. No 12 is set forward of No 11. No 12 has a number of windows at ground and first floor level on the side elevation facing No 11 and on the rear elevation at right angles from the shared boundary. Beyond the single-storey building between the properties, No 12 has a conservatory on the rear elevation facing the garden.
11. The proposed side and rear extensions would have an extensive side elevation facing No 12 less than 0.9m from the shared boundary. Despite the proposed side and rear extensions having a recessed corner at first floor level to reduce the overall effect of the proposed extensions on No 12, the proposed side and rear extensions would result in the appeal property being approximately 9.5m in depth at first floor level close to the shared boundary with No 12, stepping out to approximately 12.2m in depth at first floor level. The proposed single-storey rear extension would project further still. The two-storey side and rear extensions would also introduce a number of new pitched roofs to the appeal property, with a large area of flat roof at the apex of the proposed roofs and the existing ridgeline in order to manage the depth of the proposed extensions.
12. Although the Council's decision notice refers to visual intrusion to neighbouring occupiers at No 12, the Council's report considers that there would not be a material loss of outlook. Given the reference to visual intrusion on the decision notice, I have considered the effect of the proposed extensions on the outlook of neighbouring occupiers.
13. Although the first floor element of the proposed extensions would be set in from the boundary and back from the rear wall of the proposed single-storey rear extension, the overall depth of the appeal property with the proposed side and rear extensions would be substantial. With regard to its relationship with the side and rear of No 12, the depth of the extended house at No 11 would be particularly significant. Although the single-storey element would increase the depth of the house considerably, it would have a lesser effect on the dominance of the extended house than the first floor elements. However, given the overall depth, bulk and contrived roofscape of the proposed extensions and its proximity to the boundary with No 12, the proposed extensions would lead to an increased sense of enclosure for No 12 and would impair the outlook from the nearest habitable room windows and garden at No 12. Thus, they would be harmful to the living conditions of neighbouring residents at No 12, with regard to outlook.
14. The Council has also raised concerns about loss of light to No 12. The side elevation of No 12 faces south-west, while the rear elevation of No 12 faces north-west. Given the positioning of Nos 11 and 12 and noting the sun's traverse around the front of the properties, I consider that the proposed extensions would be likely to cause some overshadowing and effect on light reaching No 12 at some points in the day. This would cause harm to the living conditions of the occupiers of No 12, with regard to light.
15. I note that the appellant wishes to create a sustainable family home to meet their future needs. While I have given consideration to the limited information

provided, I am mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest¹. I do not consider that these personal circumstances outweigh the harm which would be caused by the proposed extensions.

16. Concluding on this main issue, I consider that the proposed extensions would have an adverse effect on the living conditions of neighbouring occupiers of No 12, with regard to outlook and light. This would be contrary to policies LP1 and H4 of the Luton Local Plan and the Framework. I have addressed these policies above. In addition to addressing matters of character and appearance, policy H4 also states that extensions should not significantly reduce the amenity of nearby occupiers, with regard to visual intrusion or loss of light. Moreover, a core planning principle of the Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

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

J Gilbert

INSPECTOR

¹ Paragraph: 21b-008-20140306 (What is a material planning consideration?)