
Appeal Decision

Site visit made on 4 July 2019

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2019

Appeal Ref: APP/B0230/D/19/3227120
175 Old Bedford Road, Luton, LU2 7EH

- 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 Meherban Hussain against the decision of Luton Borough Council.
 - The application Ref 19/00127/FULHH, dated 31 January 2019, was refused by notice dated 1 April 2019.
 - The development proposed is the erection of single/two storey front and rear extensions, raising existing roof height and rear roof dormers
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on: (a) the character and appearance of the host property and its surroundings, and (b) the living conditions of the residents of 177 Old Bedford Road with particular reference to outlook, light and visual impact.

Reasons

Character & Appearance

3. The appeal property is a relatively large detached dwelling set in a generous plot in a predominantly residential area. Similarly styled houses line this part of Old Bedford Road on both sides of the road, the main exception being the art deco styled house opposite.
4. Reference has been made to a previous permission¹ granted by the Council to extend and alter the house. This permission remains extant, and is a material consideration in my deliberations since it represents the appellant's fall-back position. However, the Council says that the 2018 permission was based on amended plans involving a reduction in the scale of that originally proposed, and that the appellant has now reverted to the originally proposed scheme. If this is the case, there is nothing preventing the appellant from applying for planning permission for a modified scheme.

¹ Ref 18/01395/FULHH, dated 16 November 2018

5. This scheme involves substantial changes to the appearance of the front elevation as it stands. However, most of these changes appear unobjectionable to the Council since they have been permitted before. The main discernible design difference between the respective designs of the principal elevation facing the road relates to the centrally placed gabled feature. In the current scheme this is wider than that approved.
6. However, the dwelling is sited well below the level of the road outside, and is partly screened by a frontage hedge and by a mature tree growing in the pavement. Taking the screening and levels into account, the changes in design proposed now compared to the approved scheme would, in my view, have little discernible impact on the public realm, insufficient to render it objectionable.
7. The changes to the rear are more extensive than previously approved. But since they would take place on a substantial plot and do not materially affect the public realm, I do not find them objectionable in terms of their appearance when compared with the scheme already approved. Neither, given the generous size of the garden do I consider the scheme to constitute overdevelopment.
8. I conclude, taking account of the scheme subject of the extant planning permission, that the development would not harm the character and appearance of the host property or its surroundings. Accordingly, no conflict arises with those provisions of policies LLP1, LLP19 & LLP25 of the Luton Local Plan (LP) directed, in combination, to promoting high quality design responding to local character and townscape, including in house extensions.

Living conditions

9. The appellant proposes to extend to the rear virtually across the full width of the house. The combination of single and first floor extension would take up the existing patio area, and beyond. The garden is currently at a lower level than the patio, but the plans show that the intention is to extend at the same level as the existing ground floor.
10. The extension would be very close to the common boundary shared with No 177, which currently displays hedging, trees and other vegetation. However, it has not been clearly demonstrated to me how the boundary vegetation closest to the rear of the house would be retained. Indeed, it is almost inevitable, on close examination of the plans, that the vegetation closest to the house would be removed as the result of construction activity.
11. That, and because of its height, would result in the deep two storey element of the proposal closest to No 177 becoming very prominent when viewed from next door. It would be just over 2m from the common boundary, and would be perceived from some of No 177's rear windows and from that part of the garden closest to the house as bulky, dominating and oppressive. I acknowledge that the existing scheme takes two storey development closer to the boundary than the current scheme, but it is not as deep or as bulky as the two storey element now proposed.
12. Although the Council asserts that No 177 would suffer loss of light, it has not produced convincing evidence in support.
13. I conclude that the living conditions of the residents of the neighbouring property at 177 Old Bedford Road would be harmfully affected by the proposal

as a consequence of adverse visual impact and loss of outlook. Accordingly, a conflict arises with those provisions of LP policy LLP19 designed to protect the amenities of the occupants of neighbouring buildings.

14. All other representations made have been taken into account, including the comments made by a local resident, but no other matter raised is of such strength or significance as to outweigh the considerations that led me to my overall conclusions.

Overall conclusions

15. I find in favour of the applicant in respect of the first main issue identified at the outset, that in respect of the effect on local character and appearance. However, I find against him in respect of the effect on neighbouring living conditions. This is sufficient reason to dismiss the appeal.

G Powys Jones

INSPECTOR