



Appeal Decision

Site visit made on 13 August 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2019

Appeal Ref: APP/B0230/D/19/3226140

558 Old Bedford Road, Luton LU2 7BY

- 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 Brian Morton against the decision of Luton Borough Council.
 - The application Ref 18/01893/FULHH, dated 19 December 2018, was refused by notice dated 7 March 2019.
 - The development proposed is described as 'demolition of garage, and new annex built to house family only'.
-

Decision

1. The appeal is dismissed.

Main Issues

The main issues are the effect of the proposed development on (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of No 558 Old Bedford Road in respect of outlook and privacy.

Reasons

Character and appearance

2. The appeal site is located in an established residential area, which predominantly consists of 2 storey detached dwellings. The row of 4 detached dwellings to the west of the appeal site (including No 556 Old Bedford Road) have fairly uniform height, scale and proportions, which provides a consistent rhythm to the street scene.
3. The proposed development would replace the existing single storey flat-roofed garage with a 2 storey building to provide an annex. The proposed building would be positioned in the rear garden adjacent to No 556. It would have the appearance of a dwelling in the street scene due to its height; pitched roof; large windows and the external treatment of the street-facing elevation. The proposed building would be viewed in the street scene alongside the row of 4 detached dwellings to the west. However, the development would be smaller than the row of neighbouring detached dwellings and it would not reflect the height, scale or proportions of the dwellings. The appeal building would therefore disrupt the consistent rhythm of development in the street scene and would appear as an incongruous building at odds with the character and appearance of the area.
4. Furthermore, the rear gardens of the dwellings in the area generally include single storey buildings that appear subservient or ancillary in scale to the main dwelling. Owing to its height, position and overall size, the proposed building would in contrast fail to appear ancillary in scale to the main dwelling. It would appear

excessively large and prominent in relation to the host dwelling and the size of the garden when viewed from the street and from neighbouring properties.

5. For the above reasons, I conclude that the proposed building would be harmful to the character and appearance of the area. The proposal would therefore be contrary to Policies LLP1, LLP19 and LLP25 of the Local Luton Plan 2011-2031 ("Local Plan"), which amongst other things, seek to protect the character of the area and ensure that detached annex buildings are ancillary to the principal dwelling in terms of its size and facilities. The proposed development would also be contrary to chapter 12 of the National Planning Policy Framework, which seeks a well-designed built environment.

Living conditions

6. The proposed building would be approximately 9 metres from the rear elevation of the host property, which includes habitable windows at ground and first floor levels. Whilst the proposed building would be more noticeable than the existing garage, it would not cause a significant loss of outlook to the habitable rooms.
7. Furthermore, the proposed annex would be occupied as part of the same household as the main dwelling. In this context, there would not be a significant loss of privacy to the occupiers of the main dwelling or the future occupiers of the annex. For these reasons, I conclude that the proposed development would not cause significant harm to the living conditions of No 558 Old Bedford Road in respect of outlook and privacy. The proposal would therefore accord with Policy LLP19 of the Local Plan, which states, amongst other things, that annexes should not adversely affect the amenity of nearby occupiers. It also accords with paragraph 127 of the National Planning Policy Framework, which states that developments should provide a high standard of amenity for existing and future users.
8. The Council has cited Policy LLP1 in the second reason refusal, however this policy is not relevant to the Council's objection because it does not specifically relate to living conditions.

Other Matters

9. The appellant's statement refers to other properties in the area and includes comments in relation to the number of families that live in a property; bin provision; conversion of integral garages; and the position of extensions in relation to the building line. However, the matters referred to are not directly relevant to the appeal proposal for a detached annex. In any event, I have determined the appeal on its individual planning merits. None of the other matters raised alter or outweigh my conclusions on the main issues.

Conclusion

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

C Osgathorp

INSPECTOR