



Appeal Decision

Site visit made on 2 September 2019

by M Chalk BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2019

Appeal Ref: APP/B0230/D/19/3231694 16 Heron Drive, Luton LU2 7LZ

- 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 Connor Sweeney against the decision of Luton Borough Council.
 - The application Ref 19/00088/FULHH, dated 25 January 2019, was refused by notice dated 2 April 2019.
 - The development proposed is described as two storey side extension amendment to application ref 18/01603/FULHH.
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Decision

1. The appeal is allowed, and planning permission granted for a two storey side extension amendment to application ref 18/01603/FULHH at 16 Heron Drive, Luton LU2 7LZ in accordance with the terms of the application ref: 19/00088/FULHH dated 25 January 2019, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: LOCATION PLAN, EXISTING ELEVATIONS, EXISTING FLOOR PLANS, 18-CS-002 A

Main Issue

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the dwelling and surrounding area
 - The effect of the proposed development on the living conditions of neighbouring residents

Reasons

Character and appearance

4. The property is an end of terrace dwellinghouse located at the end of a cul-de-sac. The end of the road is open to pedestrians, with access onto Hancock Drive. The flank wall of the house faces onto Hancock Drive.
5. The proposed development would be visible in views from Hancock Drive in particular due to the openness of the location. The extension would be a

subordinate feature of the house, both narrower than the existing dwelling and set back from the principal elevation, with a ridgeline lower than the existing. The development would replicate the single-storey front projection that is a common feature of the appeal property and neighbouring properties as a porch. This would help the development assimilate within the street scene.

6. The terrace opposite the appeal site currently lies closer to Hancock Drive at its nearest point than the existing property. Based on the evidence before me, the proposed development would lie closer to Hancock Drive than the end of the terrace opposite. However, there is no clearly established building line in the street scene, with the properties lying to the rear of the appeal site facing onto Heron Drive with a long boundary wall to the end of their gardens running along Hancock Drive. The development would maintain a gap to the side of the proposed extension, which would prevent it appearing unduly prominent in the Hancock Drive street scene.
7. For these reasons the proposal would not cause harm to the character and appearance of the dwelling and surrounding area. The development would therefore meet the criteria of policies LLP1, LLP19 and LLP25 of the Local Luton Plan 2011-2031 November 2017 (the LLP) which when taken together seek to ensure that development is of a high standard of design and that extensions to dwellings are consistent with and proportionate to the principal dwelling, surrounding properties, streetscape and character of the area. This approach is consistent with the National Planning Policy Framework (the Framework) and there would therefore be no conflict with the design approach of national policy.

Living conditions

8. The proposed development would be constructed at the end of a row of terraced houses, facing onto Hancock Drive. There is a block of flats on the far side of Hancock Drive, but the extension would not significantly alter the appearance of the appeal property from this perspective.
9. The extension would be more prominent when viewed from the properties facing the appeal site on Heron Drive. The extension would reduce the space to the side of the house but would leave space to the boundary, beyond which is Hancock Drive. This modest reduction in openness within the street scene would not cause unacceptable harm to neighbouring occupiers.
10. The development would therefore meet the criteria of policies LLP1, LLP19 and LLP25 of the LLP which when taken together seek to ensure that development does not adversely affect the amenity of nearby occupiers, including in respect of visual intrusion. This approach is consistent with the Framework, and there is no conflict with the design approach of national policy.

Other considerations

11. The Council has referred to discrepancies in the plans and the amount of space available to the side of the property. These perceived discrepancies have not been detailed, and I am satisfied that the plans allow an accurate assessment of the proposed development to be made.

Conditions

12. The conditions set out above relate to the commencement of development and confirmation of the approved plans. As matching external materials are specified on the approved plans, a separate condition for this is not necessary.

Conclusion

13. For the reasons set out above, I allow the appeal.

M Chalk

INSPECTOR