The Planning Inspectorate

Appeal Decision

Site visit made on 23 September 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th October 2019

Appeal Ref: APP/B0230/D/19/3231685
4 Orchard Way, Luton LU4 9LT

- 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 M Naeem against the decision of Luton Council.
- The application Ref 19/00508/FULHH, dated 14 April 2019, was refused by notice dated 7 June 2019.
- The development proposed is the erection of single/two storey side and rear and single storey front extension.

Decision

1. The appeal is allowed and planning permission is granted for the erection of single/two storey side and rear and single storey front extension at 4 Orchard Way, Luton LU4 9LT in accordance with the terms of the application, Ref 19/00508/FULHH, dated 14 April 2019, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved drawings: A101, A102 REV A, A203 REV A, A201, A501 REV A.

   3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. In their first reason for refusal as set out in their decision notice, the Council state that the proposal would be harmful to the occupants of 2 and 6 Orchard Way by reason of 'visual intrusion'. However, the Planning Officer's Report states '*Although it is noted that no adverse impacts are considered in terms of loss of light, loss of outlook*'. Based, on the Council's assessment of the proposal it seems to me that their concern is that it would be a dominant feature when viewed from neighbouring properties, and therefore would in fact be harmful to the outlook from these properties.

3. In light of the above, I consider that the main issues are the effect of the development on the living conditions of the occupants of 2 and 6 Orchard Way, with regard to outlook, and the character and appearance of the host property and the area.

Reasons

Living Conditions

4. The appeal property has an existing single-storey extension, that the Council have confirmed benefits from permitted development rights. The proposal would extend the property the full width of the plot at ground floor level and provide additional first-floor accommodation above, albeit set back from the boundary with No 6 by approximately 1m. The first-floor element would extend beyond the existing first-floor rear elevation by approximately 2.5m.

5. No 6 has a two-storey side and rear extension that extends up to the boundary with the appeal property. There are no windows in the flank elevation of this extension. The rear elevation of No 6 is set further back than the appeal property and therefore whilst the proposed first-floor element would project approximately 2.5m from the existing rear elevation, it would project even less from the rear elevation of No 6. Therefore, whilst the extension would be visible from the rear windows of No 6, this would only be from oblique angles. I note that No 6 has a ground floor patio door close to the boundary with the appeal property. However, there is an existing high boundary wall and therefore only the first-floor element of the proposal would be noticeable. Due to its set back position from the boundary and its relatively small projection beyond the rear elevation of No 6, the extension would not significantly harm the outlook from this patio door.

6. With regard to the effect on the occupants of No 2, only the first-floor element would be readily visible. However, its set back position from the boundary with No 2 and its projection of only approximately 2.5m would ensure that it would not appear overbearing or over dominant and therefore would not have a harmful effect on the outlook from the rear windows or garden of this property.

7. I acknowledge that the width of the first-floor element would be almost the width of the original dwelling. However, its significant set back position behind the rear elevation of the existing ground floor extension and from the common boundaries with the neighbouring properties would ensure that it does not appear unduly prominent from these neighbouring properties.

8. I find therefore that the proposal would not significantly harm the living conditions of the occupants of 2 and 6 Orchard Way, with regard to outlook. As such, it would comply with Policies LLP1, LLP19 and LLP25 of the Local Luton Plan (LLP) 2017, which, amongst other things, seek to ensure that development is sustainable, does not adversely affect the amenity of nearby occupiers and is of a high quality. In addition, it would accord with the design objectives of the National Planning Policy Framework (the Framework).

Character and Appearance

9. Orchard Way is a predominantly residential street comprising detached and semi-detached, single-storey and two-storey dwellings. There is a variety of building styles with many properties having been substantially extended, including two-storey side extensions extending to the common boundary. As a result, the character and appearance of the area is heavily informed by the eclectic mix of building styles and extension designs.

10. The proposed extension would infill the space to the side of the dwelling and No 6. Whilst No 6 has a full two-storey extension, the set back position of the

proposed first-floor element would ensure that there is a gap retained between the properties, similar to others on the street. In addition, the front elevation of the first-floor element would be set back from the existing front elevation.

11. Whilst the size of the extension would be large, the use of the set back first-floor, lowered ridge height and similar solid to void ratios as the existing, would ensure that the extension would be proportionate with and subservient to the original dwelling and would not be viewed as an incongruous feature in the streetscene, particularly as large, two-storey side extension are prolific features.

12. I note that there would not be any external access to the rear of the property. However, I do not consider that this has any harmful effect on the streetscene as many other properties similarly do not have such access.

13. I find therefore that the proposal would not significantly harm the character and appearance of the host property or the streetscene. As such, it would comply with Policies LLP1, LLP19 and LLP25 of the LLP, which seek to ensure that development is sustainable; is consistent with and proportionate to the principal dwelling, surrounding properties, streetscape and character of the area; and, are of a high quality. In addition, it would accord with the design objectives of the Framework.

Conditions

14. I have considered the conditions suggested by the Council having regard to the six tests set out in the Framework.

15. For the avoidance of doubt, it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.

16. In the interests of the character and appearance of the area, a condition is necessary regarding the materials to be used.

Conclusion

17. For the reasons given above, the appeal is allowed.

Alexander Walker

INSPECTOR