
Appeal Decision

Site visit made on 29 October 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2019

Appeal Ref: APP/B0230/D/19/3235074

5 Fulbourne Close, Luton LU4 9PW

- 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 K Miah against the decision of Luton Borough Council.
 - The application Ref 19/00447/FULHH, dated 3 April 2019, was refused by notice dated 24 June 2019.
 - The development proposed is erection of single storey side and rear extensions and rear dormer window.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - i) the effect of the proposed development on the character and appearance of the host dwelling and area;
 - ii) the effect of the proposed development on the living conditions of the occupiers of 4 Fulbourne Close with particular regard to light and outlook; and
 - iii) whether or not parking provision would be adequate to serve future occupiers.

Reasons

Character and Appearance

3. Fulbourne Close is a cul-de-sac characterised by detached two-storey dwellings set back from the street on an irregular building line. The dwellings vary in scale, but this ensures that they sit comfortably within the mixed sizes and shapes of their plots. Furthermore, although dwellings are of differing designs, pitched roof forms, gable features and first-floor level pitched roof dormer windows are typical and together with the common use of mock Tudor detailing this gives a distinct character and sense of unity to the street.
4. The appeal site is located at the head of the cul-de-sac where, together with adjacent dwellings, it terminates views as you travel from Oakley Road. A detached double garage served by a driveway from an access shared with neighbours is positioned to the rear of the dwelling. This is adjacent to the garage of 4 Fulbourne Close which is of similar appearance, albeit that it is attached to this neighbour. Beyond the garage, No. 4 has an 'L-shaped'

footprint. The closest part of the dwelling is broadly in line with its garage, while the remaining section faces towards the side of the appeal site.

5. The proposed side extension would step forward of the neighbouring garage to No. 4, but dwellings stepping forward of one another is a common attribute of Fulbourne Close given the irregular building. I therefore see no reason that this would be a conspicuous feature. The orientation of the pitched roof would also be rotated to be at a right angle to the roof of the adjacent garage to No. 4. However, the resulting front gable would reflect other features in the street scene and in light of the varied designs of dwellings would not be a jarring element. While the flat roof of the rear extension would also differ from the pitched roof design of the host dwelling, I note its single storey nature and siting to the rear of the dwelling where it would be screened in part by the side extension. I am therefore satisfied that this would not be a discordant feature that would impact on the street scene to any significant degree.
6. However, the proposed single storey side and rear extension would project significantly beyond the existing dwelling and would add considerably to its footprint and overall scale, notwithstanding that they would be single-storey. The scale and mass of the dwelling would further be increased markedly at roof level by the proposed dormer which would take up much of the width of the rear roofslope. Although dormers of comparable scale may be visible in the surrounding area, taken together, the extensions would nevertheless be of disproportionate scale to the host dwelling. Consequently, the development would dominate and distort the host dwelling, causing it to appear prominent.
7. Moreover, the development would result in coverage of much of the appeal site by built form. This would further reduce the size of the rear garden which is already of relatively limited depth in comparison to the dwelling, as well as the space currently available to its side. Although the rear extension would be screened in part from Fulbourne Close by the proposed side extension, the depth of development on the site and reduction in space around No. 5 would nevertheless be apparent in views from the street scene. The very limited plot would be uncharacteristically small to serve such a large dwelling and would cause the development to appear cramped and incongruous against the street scene of Fulbourne Close where dwellings sit comfortably within their plots.
8. Although the scale of individual dwellings on Fulbourne Close varies, in light of the harmful visual effects identified above, I conclude on this main issue that the development would cause unacceptable harm to the character and appearance of the host dwelling and area. Accordingly, it would conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2017 (LLP). Broadly, these policies require that development is of a scale, mass, layout and design consistent with and proportionate to the principal dwelling, surrounding properties and streetscape and area; and that it responds to and enhances local character and distinctiveness. It would also conflict with the National Planning Policy Framework (the Framework) which seeks well-designed places.

Living Conditions

9. The neighbouring dwelling at 4 Fulbourne Close includes windows facing towards the side of the appeal site at ground and first floor level. Outlook from the front of No. 4 is already restricted by the set back of the dwelling from the front elevations of both the appeal site and its other neighbour at 3 Fulbourne Close. However, the windows that face towards the appeal site broadly align

- with the existing gap between the rear of the dwelling and the detached garage affording them an opportunity for direct views uninterrupted by built form.
10. Given the single storey height of the proposed side extension and separation to windows within No. 4, I am satisfied that the development would not cause loss of light that would materially harm the living conditions of these occupiers.
 11. However, the proposal would notably extend the depth of development along the boundary of the appeal site with No. 4. The extension would join to the main dwelling and project notably forward of the closest part of No. 4, with development extending across the full depth of this neighbour. Additionally, in contrast to the existing garage which displays a flank gable of relatively limited depth and bulk towards No. 4, there would be a pitched roof running parallel to the boundary. While this may be no higher than the current garage roof, it would still be just below the height of the eaves of the main roof of the dwelling. Together with the increased depth of development along the boundary, this would significantly increase the bulk and massing of the dwelling on the appeal site as viewed from No. 4.
 12. This would obscure the already limited open outlook from the ground floor bay window of No. 4 facing the appeal site. As such and given the height and bulk of the development in such close proximity, it would be an oppressive feature that would dominate views from this window. This harm would not be alleviated by the existing hedging to the boundary given the projection of the roof above this screening.
 13. I therefore conclude on this main issue that the development would cause unacceptable harm to the living conditions of the occupiers of 4 Fulbourne Close with particular regard to outlook. Consequently, it would be contrary to Policies LLP1 and LLP19 of the LLP which include requirements that development is high quality and that extensions do not adversely affect nearby occupiers including in respect of visual intrusion. It would also conflict with paragraph 127 of the Framework which requires a high standard of amenity for existing and future users.

Parking Provision

14. The submitted plans illustrate 2 parking spaces to the side of the dwelling and a further space to the frontage. This would provide 3 parking spaces in accordance with the requirement outlined at Appendix 2 of the LLP for a dwelling of 4 or more bedrooms.
15. I acknowledge that the Council's Highways Department have raised no objection to the development, but I have no dimensioned plans before me to demonstrate that the suggested parking arrangements would be achievable. The front boundary of the site is splayed so that the part of the driveway closest to 4 Fulbourne Close is much shallower. Although I saw that this part of the frontage could currently accommodate a vehicle, the proposed side extension would substantially reduce the depth of the driveway. This reduction would be to such a degree that I am not convinced space adjacent to the boundary with No. 4 would remain of sufficient depth to accommodate a vehicle without overhanging to the shared access to the front of the site.
16. Despite the appellant's suggestion that any overhanging of vehicles would be a matter relating to access rights which could be resolved separately, there is no

evidence to suggest that this could or would be resolved satisfactorily. Accordingly, and notwithstanding the layout illustrated on the plans, in view of the arrangement I observed on site I am not satisfied that there would, in reality, be 2 usable spaces available to the side of the dwelling. Accordingly, there would be a shortfall of one space on the site.

17. While I saw that there are some visitor bays provided and that parking occurs on the straighter section of Fulbourne Close approaching the junction with Oakley Road, there were few available spaces at the time of my visit. Moreover, I visited during the working day at a time when it would be reasonable to expect comparatively low levels of parking assuming residents may be out at work or engaged in other daytime activities away from home.
18. Beyond Fulbourne Close, parking restrictions limit the potential for overspill parking on Oakley Road near to the site. Beyond these restrictions and on nearby streets branching from Oakley Road, I saw examples of vehicles parked partially on the footway, resulting in varying degrees of obstruction to pedestrians and traffic. From the evidence before me including comments from local residents I have no doubt that this is an area subject to parking pressure. This would be exacerbated by any shortfall in parking on the appeal site, causing additional frustration and inconvenience to residents seeking an available space to park, and increasing the likelihood of obstruction to pedestrians and potential for conflict with highway users through additional outside of the site.
19. While the harm would be limited by the small scale of the development, I nevertheless conclude on this main issue that it has not been demonstrated that there would be adequate parking provision to serve future occupiers of the development. This would cause unacceptable harm to the safety and convenience of pedestrians and users of the highway. The development would therefore be contrary to LLP Policies LLP31 and LLP32 which seek parking provision to ensure that adverse effects on highway safety and the convenience of nearby residents and users are avoided.

Other Matters

20. I note that paragraph 123 of the Framework encourages the effective use of land and suggests a flexible approach to the application of policies or guidance relating to daylight or sunlight. However, my concerns in respect of living conditions relate to a loss of outlook for the occupiers of 4 Fulbourne Close rather than daylight or sunlight. While I acknowledge that the proposal would offer additional accommodation on the site, these are not factors which would outweigh the harm that would be caused to the character and appearance of the area, to the living conditions of the occupiers of No. 4 and by inadequate provision for parking, and the resulting conflict with the development plan.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR