
Appeal Decision

Site visit made on 10 October 2019 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2019

Appeal Ref: APP/B0230/D/19/3237110

6a Coniston Road, Luton, LU3 2PP

- 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 Akter Ali against the decision of Luton Borough Council.
 - The application Ref 19/00716/FULHH, dated 25 May 2019, was refused by notice dated 23 July 2019.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of a single storey rear extension at 6a Coniston Road, Luton, LU3 2PP, in accordance with the terms of application Ref 19/00716/FULHH, dated 25 May 2019 and 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 plans: site and block plan, drawing No. 03; proposed floor plan, drawing No. 1; proposed elevations, drawing no. 02.
 - 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.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues in this appeal are the effect of the proposed works on the character and appearance of the host dwelling and surrounding area, and on the living conditions of the occupiers of No.8 Coniston Road, with particular regard to loss of light, loss of outlook and visual impact.

Reasons for the recommendation

Character and appearance of host dwelling and surrounding area

4. The appeal site comprises a two-storey, detached dwelling with cream rendered facing walls and a pitched tiled roof. Evidently the property was built on land previously associated with No.8, a corner property, on a triangular shaped plot. Although I have not been provided with a copy of the decision¹, I understand that permitted development rights relating to extensions to the property have been removed. However, it does not follow that permission for extensions should not be granted, rather applications should be considered on their individual merits.
5. The proposal involves the construction of a single-storey, lean-to style rear extension along the whole width of the rear elevation. The walls and roof materials would match those existing and its dimensions are given as 3m depth by 6.5m width by 3.65m total height.
6. The development would appear subservient to the host property given its limited projection and height. The pitch of the roof would not match that of the host dwelling but nevertheless the lean-to style would not add unnecessary bulk to the rear of the property. The extension would therefore not harm the character of the host property; rather it would complement the existing form and design.
7. While I note the Council's comments about the design not being in keeping with surrounding dwellings which are predominantly semi-detached, the host property is already different in that it is detached and forms a distinctive feature in the vicinity. The Council indicates that there are no concerns regarding impact upon the streetscene as the extension would not be visible from public viewpoints. Moreover, as I noted on the site visit, a common feature of houses on this side of the street is the prevalence of single-storey rear extensions of various designs. As such, the extension would not appear incongruous when viewed in context with neighbouring properties.
8. To conclude on this issue, the proposed extension would not be detrimental to the host property or the character or appearance of the surrounding area in terms of its design, form or scale and as such is in accordance with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan (LP) and the aims and objectives of the National Planning Policy Framework (the Framework). Collectively these seek to ensure development is consistent with and proportionate to the principal dwelling, surrounding properties, streetscape and character of the area and is of high-quality design.

Living conditions of occupiers of No.8 Coniston Road

9. The extension proposed would extend close to, but not along, the shared boundary with No.8, a two-storey semi-detached house which is set at an angle to No.6a. Evidently single-storey and two-storey rear extensions have been approved at No.8 which have not yet been constructed, although it appears the permission is still capable of being implemented.
10. Notwithstanding the previous permission, even considering the impact of the proposal on the property as it was at the time of my visit, given the small scale of the extension, particularly its limited height and mass, any loss of light to the rear windows of No.8 would be limited. The fence which divides the property is measured at 1.8m. Whilst the extension would be higher, due to

¹ Application Ref: 08/00599/FUL

the sloping nature of the roof as it projects from the rear of No.6a, there would be minimal mass above the height of the fence. The difference would therefore not be excessive, and the proposal would not significantly affect daylight to the windows on the ground floor of the rear of No.8. For the same reason the proposal would not be unduly overbearing or create an unacceptable sense of enclosure for its occupiers. As such, it would not be unduly visually intrusive.

11. Accordingly, I find that the proposal would not significantly harm the living conditions of the occupants of 8 Coniston Road with regard to loss of light, loss of outlook and visual intrusion. As such, it would comply with Policies LLP1, LLP19 and LLP25 of the LP and aims of the Framework in this regard, which, amongst other things, seek to ensure that development does not adversely affect the amenity of nearby existing and future occupiers of properties.

Conditions

12. In the interests of proper planning and to provide certainty I have imposed the standard time limit condition and have specified the approved plans. In order to protect the character and appearance of the area and host property it is reasonable and necessary to specify that matching materials are used in the development.

Recommendation

13. For the reasons given above and having had regard to all other matters raised, including the objection from owners of the neighbouring property, I recommend that the appeal should be allowed subject to the conditions listed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

S Ashworth

INSPECTOR