
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/19/3237206

35 Peartree Road, Luton, LU2 8AZ

- 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 Andy Lomax against the decision of Luton Borough Council.
 - The application Ref 19/00791/FULHH, dated 12 June 2019, was refused by notice dated 29 August 2019.
 - The development proposed is erection of first floor rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of a first floor rear extension at 35 Peartree Road, Luton, LU2 8AZ, in accordance with the terms of application Ref 19/00791/FULHH, dated 12 June 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: location, block, floor and elevation plans; drawing no. 04.
 - 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.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved without the prior approval of the Local Planning Authority.

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 under consideration in this appeal are the effects of the proposed development on the character and appearance of the host dwelling

and surrounding area, and on the living conditions of the occupiers of adjoining properties, with particular regard to loss of light and visual impact.

Reasons for the recommendation

Character and appearance of the host dwelling and surrounding area

4. The appeal site comprises an end-terrace, two-storey dwelling of brick construction and a pitched, tile roof. To the rear is a long, narrow garden within which an existing single-storey rear extension is located. The streetscene is characterised by a mixture of terraced and semi-detached housing of both red brick and pebbledash facing walls and many of the properties have been extended to the rear.
5. The appeal proposal is the construction of a first-floor rear extension to form an enlarged bathroom. Whilst I have noted the Council's concerns about the impact of the extension on the character and appearance of the host dwelling, the extension would not project across the full extent of the existing single storey extension and would be set in from the side boundary of the site. In that way, the form of the original building would remain legible. In addition, the materials and roof pitch of the extension would match those of the existing building and the side elevation and eaves would align with the existing dwelling. Consequently, in terms of its scale, design and massing, despite being at first floor level, it would remain subservient to the host dwelling and furthermore would respect its appearance.
6. I note the Council has further concern regarding the appearance of the extension when viewed in context with adjoining properties. However, during the site visit I noted many rear extensions visible from that location and while I have no details of their planning history, they are clearly a common feature in the area. The two examples mentioned by the appellant at No's. 51 and 53 both are of similar design in their form and scale. As such, the extension would not appear incongruous when viewed in context with neighbouring properties and would not therefore harm the character or appearance of the wider area.
7. To conclude on this issue, for the above reasons, the proposed extension would not be detrimental to the host property or 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 adjoining properties

8. I noted at my site visit that the immediately adjoining property, No 33, has a bedroom window at first floor level close to the common boundary with the appeal property. The extension would be set in from that boundary. On the opposite side No 37 is detached from the site. The closest window at first floor level on that property appears to be a bathroom window.
9. Given the small scale of the extension, particularly its limited height, massing and projection from the rear elevation, and the fact that it would be set away from both side boundaries, any loss of light to the rear windows of properties either side of the appeal site would be limited especially considering the

properties are north facing. Similarly given the limited projection and set back of the extension from the common boundaries, the proposal would not appear overbearing when viewed from the rear windows of neighbouring properties.

10. Whilst the proposed extension would increase the built form to the rear of the host dwelling, the difference in scale would not be excessive and, in the context of the long rear gardens, would not be unduly overbearing or create an unacceptable sense of enclosure to the neighbouring occupiers.
11. Accordingly, I find that the proposal would not significantly harm the living conditions of the occupants of either adjoining property with regard to loss of light 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.

Other Matter

12. Whilst the Council is concerned that allowing the appeal would create a precedent, I have considered the merits of this case in the light of its context, as set out above.

Conditions

13. 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 necessary to require that matching materials are used in the development.
14. The Council have suggested an additional condition restricting the insertion of additional windows upon either flank elevation of the extension. Such a condition is reasonable and necessary in order to protect the living conditions of neighbouring residents in terms of privacy. Subject to these conditions, I conclude that the appeal should be allowed.

Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to the conditions listed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

16. 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