
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/19/3233442

7 Cherry Tree Close, Luton, LU2 0LF

- 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 and Mrs F Aghafekoghian against the decision of Luton Borough Council.
 - The application Ref 19/00547/FULHH, dated 20 April 2019, was refused by notice dated 18 June 2019.
 - The development proposed is a rear conservatory.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of a rear conservatory at 7 Cherry Tree Close, Luton, LU2 0LF, in accordance with the terms of application Ref 19/00547/FULHH, dated 20 April 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 plan; proposed floor plan, drawing No. mp.27764; proposed elevations, drawing no. mp.24.
 - 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.

Preliminary Matter

3. I have taken into account the personal circumstances of the appellant put forward in support of the proposal. However, given the limited evidence available in this regard, these circumstances have not been determinative in my consideration of the appeal.

Main Issue

4. The main issue under consideration in this appeal is the effect of the proposed development on the character and appearance of the host and dwelling and surrounding area.

Reasons for the recommendation

5. The appeal site is an end-terrace, two-storey red brick dwelling with a hipped tile roof. The property has been extended significantly recently, with two-storey side and single-storey rear elements constructed. The wider area contains a mix of housing styles, with the terrace adjacent to two blocks of semi-detached dwellings.
6. The proposal involves the construction of a conservatory to be attached to the single-storey rear extension of the aforementioned works. This would be built from matching materials to those existing. I understand that the conservatory would provide enhanced accommodation to a person with health issues.
7. The conservatory would be of small scale and would reflect the width and height of the existing rear extension. It would have a simple form, with glazing on its 3 external surfaces and a flat roof. Accordingly, its appearance would be visually lightweight. I note the Council's concerns regarding the cumulative effect of development on the site and reduced garden space but given the small scale of the conservatory when viewed in context with the new extension, the additional built form would not cause harm to the character or appearance of the host property.
8. In terms of its impact on the wider area, the conservatory would be read in context with the newer section of the dwelling, with the original house still read in context with the other properties in this terrace when viewed from the rear. Furthermore, while it would reduce the amount of outdoor amenity space, the garden is substantial and enough of this would remain to ensure that the development would not appear cramped on its plot. Accordingly, the spatial characteristics of the area would not be unduly compromised.
9. To conclude on this issue, the proposed conservatory would not be detrimental to the host property or the wider area in terms of its design, form or scale and as such would be 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 policies 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.

Other Matter

10. I note that the Council is concerned that allowing this proposal would set a precedent for similar extensions at neighbouring properties. However, as set out above, the proposal is acceptable in this particular context and each proposal is determined on its merits.

Conditions

11. 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

12. 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

13. 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