



Appeal Decision

Site visit made on 19 November 2019

by Janet Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 25th November 2019

Appeal Ref: APP/B0230/D/19/3236197

36 Kingsdown Avenue, Luton LU2 7BU

- 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 Michael Ludwick against the decision of Luton Council.
 - The application Ref 19/00777/FULHH, dated 7 June 2019, was refused by notice dated 12 August 2019.
 - The development proposed is a single storey front and two storey side extension following the demolishing of a garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The area is primarily residential. It is characterised by semi-detached housing exhibiting general uniformity of design even though a varied building type exists due to alterations which have taken place over time. Nonetheless, the gaps between buildings form noticeable visual breaks and are features which make a positive contribution towards the appearance of the area. The appeal site has a visual gap wider than the norm due to a passageway running along the side boundary. This when added to the space above the single storey garage makes the gap wider than those of adjacent properties.
4. Even though the design proposes a ridge and eaves line common with the existing house the new entrance door and alternative window detailing would do little to tie the design with the original house. The configuration of the front extension would be uncomfortably close to the glazed bay window and represent an awkward and conflicting element of design. These factors would combine to produce an extension of dominant proportions lacking the ancillary scale required by Policy LLP19 of the adopted Local Plan. By filling the whole space between the existing house and the site boundary it would result in an extension of particular prominence. It would erode all the gap between it and the adjacent property compromising the appearance and spaciousness of the existing dwelling and would cause harm to the character of the surroundings.
5. For these reasons the proposal would conflict with Policies LLP1, LLP19 and LLP25 of the Local Luton Plan 2011-2031 Planning and Economic Growth Place

and Infrastructure (2017) (The Local Plan) and to the aims of the National Planning Policy Framework. These together seek to ensure that the scale, mass and proportions of domestic extensions represent good design; are ancillary in scale and in keeping with the host dwelling, the streetscape and the character of the area and which would enhance the distinctiveness of the street scene.

Other Matters

6. I note that the appellant intends to store refuse bins at the rear of the property which would address the Councils' concern on this matter. At the time of my visit three bins were stored at the edge of the drive however I noted that this was commonplace in the locality where bins were being kept on many driveways. I have little evidence that the proposal would compromise the collection of refuse from the property even though bins stored at the rear would in this proposal need to be brought through the house. Their storage at the front of the property which currently occurs would be unlikely to change.
7. The appellant has drawn my attention to other examples of two storey side extensions in the area providing photographs by way of comparison. I saw those referred to on my visit and noted that there are differences between those extensions and the appeal proposal, including variations in width and design. I have not been provided with full details of those examples and cannot be sure what policies were in place at the time they were permitted. Some serve to demonstrate the poor visual impact of closing the entire gap between properties and the effect that this has on the street scene. I have not been taken to an example which is of the exact detail of the appeal proposal though some do continue existing ridge and eaves lines. Even though the examples do not all demonstrate the subservience to the main dwelling referred to by the Council, I do not find them to be directly comparable to the appeal scheme. In any event each proposal falls to be considered on its individual merits and the examples given are not ones which I am bound to follow.
8. I note the appellant states that he does not wish to amend the design because others have undertaken similar extensions along the road, comparisons with other examples locally is not, of itself, sufficient to justify a proposal which I have found to cause harm.
9. I have taken all other points raised into account including that there is adequate parking and that there have been no issues arising from neighbour consultation, but these factors do not alter my conclusion.

Conclusion

10. For the reasons above, and having regard to all other matters raised, the appeal is dismissed.

Janet Wilson

INSPECTOR