



Appeal Decision

Site visit made on 22 October 2019 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2019

Appeal Ref: APP/B0230/D/19/3230482

15 Wychwood Avenue, Luton LU2 7HT

- 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 S Miah against the decision of Luton Borough Council.
 - The application Ref 19/00242/FULHH, dated 26 February 2019, was refused by notice dated 10 April 2019.
 - The development proposed was described on the application forms as "the erection of front porch, single storey rear and first floor front in-fill side extension, rear dormer and hip-to-gable roof enlargement and detached outbuilding in rear garden (resubmission)".
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Decision

1. The appeal is allowed and planning permission is granted for the erection of front porch, single storey rear and first floor front in-fill side extension, rear dormer and detached outbuilding in rear garden at 15 Wychwood Avenue, Luton, LU2 7HT in accordance with the terms of application Ref 19/00242/FULHH dated 26 February 2019 and subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: Drawing Nos 01/06, 02/06, 03/06, 04/06, 05/06 and 06/06.
 - 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 dwelling.
 - 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 windows shall be constructed on the northern side elevation.

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.
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Procedural matter

3. Although the description of the development originally given included a hip to gable roof enlargement, this was not shown on the plans and appears to have been included in the description in error. The Council officer's report demonstrates that they understand the development would retain a hipped roof, and I have considered the proposal on that basis.

Main Issues

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

Reasons for the Recommendation

5. The appeal site accommodates a two-storey semi-detached property situated within an established residential area characterised by semi-detached dwellings of similar size and design. On my site visit I observed that many of the properties in the area have two-storey side extensions built right up to their side boundaries and which are flush with the front of the house. Evidence of this can be seen at 7 Wychwood Avenue and others.
6. Although the Council is concerned the proposed two-storey side element would not be subordinate to the existing dwelling and would therefore fail to respect the design and character of the original dwelling, I find the extension would appear quite conventional in its design and scale. It would appear as a small infill addition and would not unbalance the property. Furthermore, the side elevation of the dwelling already abuts the boundary and so the proposed infill side element would not increase the width of the dwelling or change its existing appearance in the street scene to such an extent that it would erode spaciousness or appear obtrusive. I also find that the proposal would not unbalance the pair of semi-detached properties of which the appeal property forms part to an such unacceptable degree that it would have an adverse impact on the street scene.
7. As noted above and as highlighted by the appellant, there are numerous properties in the area with two-storey side elements comparable to that which is proposed. The development would therefore not appear incongruous in this context. In terms of scale and design therefore, I find that the proposed development respects the appearance of the host dwelling and the area and does not constitute poor design.
8. The Council raise no objection to the porch, outbuilding or the rear dormer window and I have no reason to disagree. In addition, they do not object to the single storey rear extension. Although there are concerns from a neighbour that the development would block light to their patio and kitchen window, I consider that due to the modest scale of the proposed two-storey side element, and the single storey height of the rear extensions, the development would not appear large or obtrusive from the neighbouring property such that it would disrupt the outlook from there.
9. I therefore find the development does not harm the character and appearance of the surrounding area. The proposed development is in accordance with policies LLP1, LLP19 and LLP25 of the Local Luton Plan 2011-2031 (the 'Local Plan') and the National Planning Policy Framework (the 'NPPF') which together

seek to ensure proposals are well designed and contribute positively to the character and appearance of the surrounding area in which they lie.

Other Matters

10. There is concern that due to its size and configuration, the proposed outbuilding could be used as a self-contained unit. However, I find that the building clearly relates to the main house as it has no independent access and is not excessively sized for its intended use as a gym, playroom and store.
11. The neighbour at No. 17 is also concerned that the appeal property could become a House in Multiple Occupation (HMO) due to the proposed number of bedrooms. There is no evidence to suggest that this is the appellant's motive. In any case, planning permission would be required for the change of use from a residential dwelling to a large HMO.
12. I find there is sufficient space within the hardstanding area to the front of the property and on Wychwood Avenue to accommodate any increase in parking needs as a result of the development.

Conditions

13. The Council has suggested a number of conditions that it would wish to see imposed in the event that the appeal was successful. I have considered the suggested conditions against the advice on conditions set out in the NPPF and the Planning Practice Guidance.
14. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty. I have also included a condition requiring the external finishing materials match the existing dwelling, to protect the character and appearance of the area.
15. I have imposed a condition controlling the insertion of windows in the northern side elevation in the interests of protecting the privacy of neighbouring residents.

Recommendation

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

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR