



Appeal Decision

Site visit made on 20 November 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 4th December 2019

Appeal Ref: APP/B0230/D/19/3236941

45 Montrose Avenue, Luton LU3 1HP

- 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 Ufique Ahmed against the decision of Luton Council.
 - The application Ref 19/00091/FULHH, dated 25 January 2019, was refused by notice dated 18 June 2019.
 - The development proposed is single storey side extension, double storey rear extension with the erection of single storey orangery, and loft conversion.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. While I note the description of development in the decision notice and appeal form, I have used the description from the application form in the interests of certainty.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the host building and surrounding area; and
 - the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to outlook and privacy.

Reasons

Character and appearance

4. Montrose Avenue is a residential street with detached and semi-detached houses with large gardens and modest spacing such that the area has an attractive open character and appearance.
5. The proposal consists of two and single storey rear extensions, a single storey side extension and loft conversion. The Council has not objected to the side extension and single storey orangery and from the evidence before me I see no reason to disagree. Therefore, I will focus my assessment on the effect of the proposed two storey extension and loft conversion on the character and appearance of the area.
6. The two-storey extension would project a significant distance from the rear of the host dwelling and the roof pitch would be a similar height to the existing dwelling. While I note that other properties in the area have been extended, from the

evidence before me and my observations during the site visit, the proposal would be significantly larger than the other extensions.

7. I note that the design of the proposal would echo elements of the host dwelling, and the materials would match the existing property. Nevertheless, the first-floor gambrel roof design would be incongruous when viewed against the rear of the surrounding properties, and together with the timber detailing would appear discordant. Furthermore, while the proposed dormer windows have a similar design to the first-floor windows, given their size and position at the second storey of the property, they would result in the dwelling having the appearance of a three-storey property. I note the modest increase in the footprint of the dwelling, however, the combination of these elements would result in the property appearing excessively large in an area that is predominantly characterised by modest two storey dwellings.
8. I also acknowledge that the two-storey rear extension would not be prominent from the street and that there were no objections to the appeal. However, the proposal would be visible from the surrounding properties and given the height and projection of the proposed two-storey extension, it would appear discordant when viewed against the host building and would have a detrimental effect on the open character and appearance of the area.
9. Consequently, the proposed development would harm the character and appearance of the host building and surrounding area. Therefore, it would conflict with Policies LLP1 and LLP25 of the Local Luton Plan (2011 – 2031) November 2017 (LP) which among other things requires development to contribute to enhancing a sense of place or improve the distinctiveness and character of the area. It would also conflict with LP Policy LLP19 which among other things, seeks extensions to dwellings where the design is consistent with and proportionate to the principle dwelling, surrounding properties, streetscape and character of the area. The proposal would also conflict with the National Planning Policy Framework (Framework) in this regard.

Living conditions

10. The proposed two storey extension would be a similar height to the existing dwelling and would project a significant distance from the rear of the host dwelling. The adjacent dwelling closest to this extension would be No 47 Montrose Avenue (No 47). While I note the evidence relating to 45 degree lines of sight, given the significant projection and three storey appearance of the rear extension as well as the proximity to the shared boundary, the proposal would result in an oppressive outlook from the rear of the dwelling and garden of No 47.
11. Since the dormer windows would not be visible from No 47 and the side extension and proposed orangery would single storey, these elements would not affect the outlook of the occupiers of No 47.
12. The property to the other side of the appeal site is No 43 Montrose Avenue (No 43). Given the height and depth of the proposed two-storey extension, it would be visible from this property. However, given the distance between the proposed first and second storey extension and No 43, the outlook from this dwelling would not be adversely affected.
13. Turning my attention to privacy, the proposed works would include two clear glazed windows in the flank elevation of the appeal property. The proposed clear

glazed window to bedroom three would replace a smaller obscured window and would be located further to the rear of the room. It would be sited roughly opposite to a window in the flank wall of No 47 and given that it would be the only window to a bedroom, could not reasonably be obscured. The proposed window to bedroom seven would be at the third storey and would be likely to allow downward views to a flank window of No 47. Therefore, the proposed windows to bedrooms three and seven would be likely to unduly affect the privacy of the occupiers of No 47.

14. The window to the proposed bathroom in the first-floor rear extension could be obscured and would not adversely affect the privacy of the neighbours at No 47. The window to bedroom two at first floor would remain unchanged and would therefore not adversely affect the privacy of the neighbours at No 47. While it may be the case that the occupants of No 47 currently experience a degree of overlooking from the existing property, since proposed clear glazed windows would increase the number of views to the windows of the flank wall of No 47, the proposed development would result in an adverse effect on the privacy of neighbouring occupiers.
15. While windows are proposed to the side of the proposed rear extension that would face No 43, since these windows would serve a bathroom and a landing area, they could reasonably be obscured and would not adversely affect the privacy of these neighbours. The Council has not objected to the proposed dormer windows in terms of privacy and from the evidence before me I see no reason to disagree. Likewise, I note that the proposal would not result in adverse effects on the neighbouring occupiers in terms of light. However, the lack of harm in these respects would not override the harm to the living conditions of the occupiers of No 47 in terms of outlook and privacy.
16. Consequently, the proposed development would harm the living conditions of neighbouring occupiers with particular regard to outlook and privacy. Therefore, it would conflict with LP Policy LLP19 which requires among other things, that the proposed extension would not adversely affect the amenity of nearby occupiers. It would also conflict with the Framework in this regard.
17. While I have had regard to LP Policy LLP1, it has not been determinative in my findings on this main issue.

Other Matters

18. While I note the comments relating to parking, the Council did not object to the proposal on this basis and from the evidence before me I see no reason to disagree. However, this does not override the harm to the character and appearance of the host building and area and to the living conditions of neighbouring occupiers. Therefore, this point has not altered my overall decision.

Conclusion

19. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR