
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/19/3236684
155 Primrose Close, Luton LU3 1EZ

- 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 Anjam Ismail against the decision of Luton Council.
 - The application Ref 19/00613/FULHH, dated 26 April 2019, was refused by notice dated 29 July 2019.
 - The development proposed is erection of single storey side and rear extension.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Anjam Ismail against Luton Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host building and surrounding area.

Reasons

4. Primrose Close is a residential street characterised by two and three storey town houses with similar building lines, forms, materials and fenestration such that the area has an attractive unified character and appearance. Given the location of the site at the corner of Primrose Close and Poppy Close, the site has a prominent position and is visible from the rear of the tall flats along Foxglove Way.
5. The proposal consists of single storey side and rear extensions to an end of terrace dwelling. While the extensions would have pitched roofs, they would be significantly shallower than that of the host building and surrounding properties. In addition, from the evidence before me and my observations during the site visit, single storey dwellings and extensions are not prevalent such that they do not form part of the character and appearance of the area. Part of the side extension would not follow the front or rear building lines of either the host property or other dwellings in the terrace. Furthermore, while the footprint of the proposal would be less than that of the host dwelling, it would be a shape that would not be in keeping with the surrounding dwellings. Therefore, these incongruous elements together would result in a proposal that

would have a discordant effect on the unified character and appearance of the area.

6. I note the single storey height of the proposal and that the proposed materials would match the host building. However, while the extensions would appear ancillary to the host building, given the shallow roof pitch and irregular shape of the footprint, the proposal would appear out of keeping with the prevailing character and appearance of the area. Although the extensions would be within the enclosed garden and a significant distance from the nearby block of flats, they would nevertheless be seen from the surrounding properties and nearby junction. I acknowledge that the proposal has sought to deal with the reason for refusal of the previous planning application¹. However, for the foregoing reasons the appeal proposal would have a detrimental effect on the unified character and appearance of the area.
7. 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 paragraph 127 of the National Planning Policy Framework (Framework) in this regard.

Other Matters

8. I note the comments regarding the proposal setting a precedent for similar developments. However, each case must be determined on its individual merits and this has not altered my overall decision.
9. The Council has not objected to the proposal on the basis of its effect on the living conditions of neighbouring occupiers. From the evidence before me I see no reason to disagree. However, the lack of harm in this respect does not carry weight in favour of the proposal and has not altered my overall decision.

Conclusion

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

R Sabu

INSPECTOR

¹ Council ref: 18/00492/FULH