
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: 09 December 2019

Appeal Ref: APP/B0230/D/19/3236334

38 Bradgers Hill Road, Luton LU2 7EL

- 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 Mrs Sue Reinsford against the decision of Luton Council.
 - The application Ref 19/00145/FULHH, dated 6 February 2019, was refused by notice dated 18 July 2019.
 - The development proposed is described as, 'first floor side extension and loft conversion'.
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Decision

1. The appeal is allowed and planning permission is granted for first floor side extension with new window to flank elevation and a loft conversion with two rear dormer windows and two front rooflights at 38 Bradgers Hill Road, Luton LU2 7EL in accordance with the terms of the application, Ref 19/00145/FULHH, dated 6 February 2019, 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 plan: T/301/02/C.
 - 3) The external materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The building/extension hereby permitted shall not be occupied until the window on the proposed east elevation has been fitted with obscured glazing, and no part of that/those window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
 - 5) 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 other than those expressly authorised by this permission shall be constructed on the east elevation.

Procedural Matter

2. I note that the description of development differs on the application form and appeal form compared with the decision notice. I have used the description from the decision notice in the decision above in the interests of certainty and precision. While I also note the appellant name stated on the appeal form, I have used the name from the application form in the interests of certainty.

Main Issue

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

Reasons

4. The appeal property is an end of terrace dwelling on a street that is primarily characterised by two storey residential dwellings. The other properties in the area are varied in form, materials and spacing such that the area has a varied character and appearance. While the terrace is formed of four dwellings that are relatively unified, they do not provide a particularly distinct contribution to the character and appearance of the area.
5. The Council has not objected to the proposed rear dormer windows or roof lights. From the evidence before me I see no reason to disagree. Therefore, I have focussed my assessment on the effect of the proposed side extension on the character and appearance of the host dwelling and surrounding area.
6. The proposed development consists of a first-floor extension over the existing garage to the side of the host property that would reflect its roof form, fenestration and materials. The side extension therefore would not adversely affect the character and appearance of the host dwelling. I acknowledge that the extension would result in the host property appearing larger than the adjacent dwellings, particularly given the staggered form of the terrace. However, given the variety of dwelling widths and forms in the area, the property would not appear dominant or incongruous in this regard.
7. While the similar extensions in the area may have been approved under a previous Local Plan, they nevertheless form part of the character and appearance of the area. Since the prevailing pattern of development is not characterised by unified terraces such as that which the appeal property is part of, the proposal would not have an adverse effect on the street scene in this respect.
8. Consequently, the proposed development would not harm the character and appearance of the host dwelling or surrounding area. Therefore, it would not 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 not 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 not conflict with the National Planning Policy Framework (Framework) in this regard.

Other Matters

9. While I note the comments regarding the proposal setting a precedent, each case must be determined on its individual merits and this point has not altered my overall decision.

Conditions

10. I have had regard to the conditions suggested by the Council and made minor amendments having regard to paragraph 55 of the Framework and the Planning Practice Guidance. I have also made changes to the wording in the interests of precision and clarity.
11. In addition to the standard time-related condition, I have attached a condition specifying the approved drawings in the interests of certainty. I have attached a condition relating to external materials to safeguard the character and appearance of the host property and surrounding area. In addition, I have attached conditions relating to obscured windows and removing certain permitted development rights to safeguard the living conditions of neighbouring occupiers.

Conclusion

12. For the reasons given above the appeal should be allowed.

R Sabu

INSPECTOR