



Appeal Decision

Site visit made on 28 August 2019

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Appeal Ref: APP/B0230/W/19/3234762

107 Old Bedford Road, Luton, Bedfordshire LU2 7PF

- 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 Badruz Zaman against the decision of Luton Council.
 - The application Ref 19/00579/FUL, dated 29 April 2019, was refused by notice dated 24 July 2019.
 - The development proposed is an extension to form a two bedroom maisonette.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - (i) the effect of the development on the character and appearance of the area;
 - (ii) whether the development provides suitable living conditions for the future occupiers of the development having particular regard to outdoor amenity space; and
 - (iii) the effect of the development on the living conditions of the occupiers of adjoining residential properties with particular regard to outlook and general noise and disturbance.

Reasons

Character and appearance

3. The appeal site is located on the north west corner of the junction of Old Bedford Road and The Larches. The surrounding area is residential in character with a wide variety of differing styles and designs of properties including terraced, semi-detached, detached properties and flat blocks.
4. The appeal site itself currently consists of a hipped roof bungalow which also includes accommodation within its roofspace. The current roof forms the most dominant feature on the building when viewed from the public realm. There is also a brick boundary wall to The Larches and Old Bedford Road frontages.
5. Given the corner position of the plot, the proposed extension would also be highly visible in the streetscene given that it involves the continuation of the existing roof together with the addition of one new dormer and the replacement of the existing modestly sized dormer with a larger one.

6. From my site visit I saw that the views down The Larches were dominated by the three-storey flat-roofed blocks of flats. To my mind, whilst the appeal development would add to the built form facing onto The Larches, it would continue the line of the existing hipped roof and would not look out of place in the streetscene.
7. In coming to that view I acknowledge that the additional built form would close some of the gap between the existing building and 80 The Larches, a detached dwelling which appears as a more recent addition to the street than the blocks of flats. I also acknowledge that the proposal would result in some loss of the spaciousness at the rear of the existing dwelling and the street as a whole. However, the extended building would not be out of place given the existing spacing between the flat blocks and the terraced properties on Old Bedford Road.
8. For the above reasons the development would not harm the character and appearance of the area and would accord with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2011-2031 (2017) (LP) which amongst other matters seek to respond positively to the townscape and improve the character and quality of the area. It would also be in accordance with the overarching aims of the National Planning Policy Framework (the Framework).

Living conditions – occupiers of existing properties

9. The proposal would result in a building which would be closer to 80 The Larches. It would also be visible across The Larches from the flats opposite and from the rear of 109 Old Bedford Road.
10. Given the juxtaposition between the appeal development and No 80, I consider that there would be ample space between the respective properties to ensure that there would not be an adverse impact on outlook from No 80. This is particularly the case given the existing garages which could be retained and the siting of the appeal proposal largely to the side of No 80.
11. The views from the flats opposite would be similar to that possible from the streetscene. I have already found that the development would not harm the character and appearance of the area and similarly I consider that the outlook from the flats would not be unacceptably harmed.
12. Turning to the effect of the development on the occupiers of No 109, I note that the development would be almost the entire length of the side boundary. However, given the design of the proposed extension, I consider that this would not harm the living conditions of the occupiers of No 109 to an extent that would warrant the withholding of planning permission on this ground.
13. In terms of the potential for additional noise and disturbance, I am conscious that the development is for an additional residential unit in an area dominated by other residential properties. To my mind, the development would not give rise to any significant harm in this respect particularly given that it would only result in the addition of one modest residential unit.
14. I have also had regards to concerns raised over potential loss of privacy. However, I consider that the development would not result in any significant overlooking between the development and the existing residential properties, including the flats on the opposite side of The Larches.

15. For the above reasons the development would not harm the living conditions of the occupiers of adjoining or nearby residential properties and would accord with Policies LLP1, LLP19 and LLP25 of the LP which amongst other matters seek to ensure that extensions do not adversely affect the amenity of nearby occupiers in respect of visual intrusion and that new housing minimise additional noise to existing properties. It would also accord with the design aims of the Framework in this respect.

Living conditions – future occupiers

16. From what I observed at my site visit, and from the written evidence before me, the appeal site is large enough to provide for sufficient private external amenity space for the occupants of each dwelling.
17. However, the proposal provides very little detail on how the space around the existing and proposed dwellings would be subdivided. Given that the smaller new dwelling would be attached to the rear of the existing dwelling the layout of the site does not readily lend itself to an easy subdivision of the available space.
18. Taking the above into account, and in the absence of a detailed proposal on how the space would be sub-divided (including a direct route from the parking spaces to each dwelling), I cannot be sure that it would be possible to provide for a suitable access to each property without compromising the privacy of the occupiers of the other dwelling. This is particularly the case given the position of the entrance doors to each dwelling and the position of habitable room windows on the ground floor relative to the remaining land around the building and the garden area to the rear of the existing garage.
19. I have also considered whether it would be appropriate to seek such details by means of a suitably worded planning condition. However, I have serious doubts as to whether an appropriate layout could be provided without making alterations to the proposed building to allow for easy access between the existing dwelling and the parking area and rear amenity area. Given this, I consider that it would not be appropriate to deal with this matter by condition.
20. The council have also referred to Policy LLP15 in their reason for refusal relating to the living conditions issue relating to the future occupiers of the development. However, Policy LLP15 relates to housing provision and is not especially concerned with matters relating to living conditions. As such, I give this policy very little weight in the consideration of this issue.
21. Therefore, in the absence of sufficient detail to demonstrate that the development would provide for a suitable outdoor amenity area for the occupants of both dwellings I find that the proposal would not provide suitable living conditions for the future occupants of the dwellings. The proposal would therefore be contrary to Policies LLP1, LLP19 and LLP25 of the LLP which amongst other matters seek to promote sustainable development and to ensure that future occupiers of new residential development are provided with a high standard of amenity. It would also be at odds with the design aims of the Framework in this regard.

Conclusion

22. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR