
Appeal Decision

Site visit made on 26 November 2019 by John Gunn DipTP Dip DBE MRTPI

Decision by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2020

Appeal Ref: APP/B0230/D/19/3237288

73 Graham Gardens, Luton LU3 1NF

- 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 R Rakesh against the decision of Luton Council.
 - The application Ref 19/00673/FULHH, dated 15 May 2019, was refused by notice dated 31 July 2019.
 - The development proposed is erection of two storey side/rear and single storey rear extensions with habitable space in roof void.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of two storey side/rear and single storey rear extensions with habitable space in roof void at 73 Graham Gardens, Luton LU3 1NF in accordance with the terms of application 19/00673/FULHH, dated 15 May 2019 and the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 3. The development hereby permitted shall be carried out in accordance with the location plan and following drawings: Proposed floor plans Drawing No: A102; Proposed elevations Drawing No: A203 Revision A; Proposed location and block plan Drawing No: A501.
 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 other than those expressly authorised by this permission shall be constructed on the northern or southern elevations.

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.

Preliminary Matter

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

4. This is the effect of the proposed development upon the character and appearance of the host building and street scene

Reasons for the Recommendation

5. The appeal site is in a residential area comprising detached and semi-detached dwellings. No. 73 Graham Gardens is a 2 storey detached dwelling linked to its neighbour No. 71 by a garage. The host dwelling, and its neighbours sit back from the road, and run parallel to it as it turns through a 90 degree bend. The dwellings typically incorporate bay windows, forward facing gable features, small porches and hipped roofs. Although some of the properties have been altered and extended, the symmetry of the properties is a very strong feature in the area.
6. The Appellant is of the view that the appeal proposal would not be significantly different from the proposals approved by the Council on 28th February 2019 planning permission under reference 18/01586/FULHH. In his statement the Appellant has provided a comparison between the approved plans and the appeal proposals. From the evidence submitted, and my site visit, the main changes to the proposals are the addition of a single storey extension abutting the southern boundary creating a utility room and the addition of a small extension to the front elevation providing an enlarged entrance hall and WC.
7. Policy LLP19 of the Local Luton Plan 2011-2031: Planning and Economic Growth Place and Infrastructure (LP) requires that extensions should respect gaps and spaces between buildings and make provision for services. The proposed two-storey side extension would be no wider than the approved development and would not reduce the separation to No.71 by a greater amount than already approved. With this in mind and having regard to the modest scale and height of the single storey side and front extensions, the proposal would not dominate the host property or close the gap between the buildings to a degree that would cause harm to the streetscene. In particular the balanced symmetry of the housing character would be maintained. Furthermore, whilst the addition of the single storey side and front extension would result in the loss of the side access on the southern boundary, I noted on my site visit that there is a side access on the northern boundary of the appeal property that would allow access for maintenance or bin storage should the need arise.
8. In light of the above I conclude that the proposed development would not harm the character and appearance of the host building or the area. Consequently, it would not conflict with LP Policies LLP1, LLP19 and LLP25 which require

development to contribute positively to the surroundings and be appropriate to the local setting and context.

Conditions

9. The Council has suggested several conditions which I have considered against the guidance set out in the Framework and the Planning Practice Guidance. A condition preventing the installation of windows in the side walls is necessary to safeguard the privacy of neighbouring residents. A condition to require matching materials is necessary to ensure the development is in keeping with the existing property and surrounding area. To ensure that the development is undertaken as approved, a condition referring to the approved plans is also necessary, as is a timed condition relating to the commencement of the development.

Conclusion and Recommendation

10. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to the conditions set out above.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

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

P J Davies

INSPECTOR