
Appeal Decision

Site visit made on 8 January 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 29 January 2020

Appeal Ref: APP/B0230/D/19/3239603

24 Grange Road, Luton LU4 9AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Charles against the decision of Luton Borough Council.
 - The application Ref: 19/01068/RES, dated 29 July 2019, was refused by notice dated 25 September 2019.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) (the GDPO) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. I have noted the contents of the submitted proposed and existing plans. However, on my site visit I observed that the existing outrigger is constructed to a different design to that illustrated. This is because the rear outrigger features a flat roof rather than the illustrated mono-pitched roof. However, given that I am considering the projection beyond the rear outrigger, I have proceeded on this basis.

Main Issue

4. The main issue is the effect of the development, upon the living conditions of the occupiers of the neighbouring property at 26 Grange Road.

Reasons

5. The appeal site consists of an end-of-terrace dwelling, with a single storey rear outrigger. The property also includes a relatively narrow rear garden, which features wooden fences on the side boundaries. A comparable outrigger is also present at the similarly proportioned dwelling at the neighbouring property of 26 Grange Road.

6. It is proposed that the outrigger be the subject of a single-storey mono-pitched extension with a notably long length. The height of the extension would significantly exceed the height of the boundary treatments. This therefore means that the proposed extension would not be readily screened.
7. For these reasons, and due to its substantial length, the proposed development would have a significant enclosing and overbearing effect on the adjoining property including its garden.
8. The situation would be exacerbated by the roof design of the extension. By reason of the mono-pitched design, the tallest elevation of the extension would be adjacent to the shared boundary. In consequence, this arrangement would substantially increase the massing of the extension resulting in a greater overbearing effect on the neighbouring properties.
9. Given that the garden represents the only private space within the grounds of No. 26 where outdoor recreation or play might take place, the overall effect on the living conditions of the occupiers of the adjoining property would be significant.
10. In addition, the rear elevation of the ground floor of the adjoining dwelling features a number of windows. As a result, the proposed development would have a notable adverse impact upon the rooms that these windows serve on account of the greater enclosing effect and resultant loss of outlook. Whilst I understand that the ground-floor window within No. 26 nearest to the appeal site's boundary is fitted with obscure glass, I have no mechanism before me by which this might be secured for the future. Furthermore, the glazing type does not overcome the harm to the outlook of the garden as previously identified.
11. I acknowledge that the occupiers of No. 26 appear not to have raised any objections to the proposed development. However, the GDPO is clear that if an objection to a development has been received, the effect on all adjoining properties must be considered.
12. Whilst the development is unlikely to cause significant harm to the character and appearance of the wider area, or the living conditions of the occupiers of 22 Grange Road, this would not overcome the harm as previously identified.
13. I therefore conclude that the proposed development would result in a significant adverse impact upon the living conditions of the occupiers of the neighbouring property at No. 26. The development, in this regard would fail to accord with the requirements of Policies LLP1 and LLP19 of the Luton Local Plan (2011-2031) (2017). These policies, amongst other matters, seek to ensure that new development accords with the development plan, and do not adversely affect the living conditions of the occupiers of nearby properties.

Conclusion

14. For the foregoing reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR