
Appeal Decision

Site visit made on 10 March 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2020

Appeal Ref: APP/B0230/D/20/3244312

93 Wadhurst Avenue, Luton LU3 1UQ

- 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 A Javed against the decision of Luton Council.
 - The application Ref 19/01069/FULHH, dated 7 August 2019, was refused by notice dated 14 October 2019.
 - The development proposed is demolition of single storey rear extension and erection of replacement single storey rear extension; erection of a single storey side extension and rear dormer window; and erection of a boundary wall along the northern site boundary.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A side and rear extension, rear dormer window and single storey rear extension have been constructed at 93 Wadhurst Avenue and there are apparent discrepancies between what has been built and the submitted plans. In reaching my decision I have considered the appeal against the submitted plans.

Background

3. The appeal site has been subject to a number of appeals and I have been provided with copies of APP/B0230/W/17/3184352, APP/B0230/D/18/3210369 (and linked appeal 3214748) and I am aware of APP/B0230/D/18/3194504. Whilst each case must be determined on its own merits, I have had regard to these decisions in the determination of the appeal.
4. The main difference from the appeal allowed under APP/B0230/W/17/3184352 is the inclusion of a further single storey rear extension with a flat roof with roof lantern. This appears similar to the scheme dismissed under APP/B0230/W/18/3194504. An amended roof design to the rear extension was subsequently considered and dismissed under APP/B0230/D/18/3210369.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The site is located on the corner of Wadhurst Avenue and Austin Road and comprises a detached chalet bungalow. Development within Wadhurst Avenue

- comprises detached and semi detached bungalows of a similar scale and appearance.
7. The flat roof single storey rear extension, with roof lantern, has already been constructed and the top of the roof and lantern is visible from Austin Road. The extension is subservient to the main dwelling having regard to the depth of the existing gardens and the use of a flat roof minimises its overall scale. Whilst this proposal results in development which is deeper than neighbouring properties, the increase is not of a scale which leads to any harm to the prevailing rhythm, character or appearance of this group of properties, which sit within relatively deep and spacious gardens.
 8. The extension is shown on the plans to be rendered, however the appellant has indicated that they would be willing to retain the external brick finish. I consider that the final detail of the external materials could be secured by condition and therefore I do not consider that the proposal would be out of character with the host building having regard to the option of retaining the matching materials, which would respect the broader local context.
 9. The extension includes a roof lantern within the flat roof and this is visible over the existing wall and is shown on the plans to project above the proposed wall. The roof lantern is prominent when viewed from within the street scene. I consider that this roof lantern adds to the prominence of the extension and is not a feature that appears characteristic of the wider area. The roof lantern is an incongruous feature, harmful to the character and appearance of the area.
 10. The proposal includes the replacement of the existing boundary wall with a brick wall with inset timber fence panels with a trellis top. I accept the appellant's need for a robust boundary treatment along Austin Road. This is a busy road which runs along the entire side boundary of the garden. The introduction of a boundary wall in this location would enable the garden to be afforded privacy from pedestrians walking along Austin Road and to improve the level of amenity enjoyed from within the garden for the appellant and their family by offering some mitigation from the traffic. I note that other properties along Austin Road have a lower form of boundary treatment, however these properties front onto Austin Road and therefore have their private gardens to the rear.
 11. Therefore whilst boundary walls are not generally characteristic of the wider area, it is clear that there are instances where side boundaries are exposed to the public realm and in order to provide a good level of amenity for those occupiers, there is a need for a form of higher boundary treatment. I consider that this is adequately provided by the existing wall.
 12. The height of the proposed boundary treatment would be raised from that which is currently on site to approximately 2.4m. The solid brick wall would be replaced by a dwarf wall with piers interspersed by timber panels, with the addition of trellis. I consider the increased height and the introduction of different forms of fencing within a single structure would introduce a discordant form of development which would be incongruous within the street scene. Given the proposed height and position of the wall I do not consider that the impacts could be adequately mitigated by the appellants suggested landscaping condition.

13. Whilst I accept that a similarly constructed wall exists along the side boundary of 112 Austin Road, which runs along Wadhurst Avenue, this is not at the same height as that proposed by the appeal proposal.
14. In conclusion, I consider the design of the extension, with the inclusion of a roof lantern is not consistent with the character of the area and the proposed boundary wall would fail to respond positively to the street scene having regard to its overall height. As a result, there would be harm to the character and appearance of the surrounding area. The proposal conflicts with policies LLP1, LLP19 and LLP25 of the Local Luton Plan 2011-2031 (2017), which set out the presumption in favour of sustainable development, requires extensions to be consistent with the surrounding streetscape and character of the area and be of a high quality design.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR

