



Appeal Decision

Site visit made on 10 March 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 April 2020

Appeal Ref: APP/B0230/D/20/3245580

21, Albury Close, Luton LU3 4AY

- 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 & Mrs Shehzad against the decision of Luton Borough Council.
 - The application Ref 19/01186/FULHH, dated 2 September 2019, was refused by notice dated 15 November 2019.
 - The development proposed is "a two-storey side and rear, ground floor rear extension".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area, and upon the living conditions of the occupiers of neighbouring dwellings with particular regard to outlook.

Reasons

Character and appearance

3. The appeal property is a detached two storey property at the end of a cul-de-sac which comprises mostly of detached two storey dwellings of varied size. The appeal dwelling has the largest front garden and driveway in the row because it is positioned furthest from the highway.
4. This generous frontage provides a sense of spaciousness to the plot which mitigates the proposed closure of the gap at the side. Furthermore, the rear gardens that back onto the side elevation of the proposed extension also provide a visual gap between buildings. Therefore, the loss of the gap would have little visual impact upon the street scene.
5. Furthermore, the extended dwelling would have a similar overall scale and mass to numbers 24 and 26 Albury Close. As the extension would be seen in the context with these other two dwellings, it's overall size would not look out of keeping within the street-scene.
6. I therefore conclude that the proposed extensions would not harm the character and appearance of the area. Consequently, in respect of this main issue, I find no conflict with Policies LLP1, LLP19 and LLP25 of the Local Luton Plan 2011-2031 which, in combination and amongst other matters, seek to protect the character and appearance of an area. Neither would there be

conflict with the National Planning Policy Framework (the Framework) which indicates that development should be sympathetic to local character.

Neighbouring living conditions

7. The gardens of numbers 5 and 6 Allendale back onto the side of the appeal dwelling. Both these neighbouring dwellings have principle windows in their rear elevations. The proposed two storey extension would be built alongside a significant length of their shared boundary and only some 9m distance between these neighbouring windows and the extension would remain. The length and height of the proposed extension, and the limited distance between it and the neighbouring windows would result in a building that would look oppressive, dominant and overbearing when seen from these dwellings.
8. I understand that planning permission exists for a similar extension at the property. However, the appeal extension would be closer to the neighbouring dwellings than the extension approved. The existing limited distance between the houses would result in the reduced distance being noticeable and significant.
9. Therefore, I conclude that the development would have a harmful impact on the living conditions of the occupiers of neighbouring dwellings. Accordingly, the development conflicts with Policies LLP19 and LLP25 of the Local Luton Plan, which amongst other matters which seek to ensure high quality design and to protect the amenity of nearby occupiers, including the prevention of visual intrusion. The proposal would also conflict with the Framework which indicates that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Conclusion

10. For the reasons given above the appeal is dismissed.

M Shrigley

INSPECTOR