
Appeal Decision

Site visit made on 7 July 2020

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2020

Appeal Ref: APP/B0230/D/20/3242544

32A Waller Avenue, Luton LU4 9RP

- 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 Mohammed Shafiq against the decision of Luton Council.
 - The application Ref 19/01245/FULHH, dated 18 September 2019, was refused by notice dated 12 November 2019.
 - The development proposed is for a single storey side and first floor side/rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side and first floor side/rear extension at 32A Waller Avenue, Luton LU4 9RP in accordance with the terms of the application, Ref 19/01245/FULHH, dated 18 September 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: DC1, 01/05, 02/05, 03/05, 04/05 and 05/05.
 - 3) 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.

Main Issue

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

Reasons

3. The appeal property consists of a two storey semi-detached dwelling with a two storey side extension, single storey side and rear extension and outbuildings at the rear. It is located within a backland development of four semi-detached dwellings and a bungalow that is accessed via a road with a security gate off Waller Avenue. The site is bounded by residential properties, of varying styles and ages, that gives the area a mixed well-established residential character.
4. The appeal site has an extensive planning history relating to proposals to extend the property, including an appeal dismissed for a single storey side and first floor side/rear extension in 2018¹. The proposal would involve the

¹ APP/B0230/D/18/3216753

construction of a first floor side and rear extension that would wrap around the south-west corner of the property. It would be set back from the front elevation of the house and the common side shared boundary with the adjacent two storey property at No. 30b Waller Avenue. The extension would be set in from the rear and side external walls of the existing ground floor extensions and stepped down with a pitched roof below the ridge of the host property. A small single storey pitched roof extension is also proposed projecting from the side of the property up to the existing front elevation.

5. The appeal property is on a relatively spacious plot and as such the extensions would not appear overlarge, relative to the overall plot size. Given the site's location, the proposal would only be visible over short distances from the adjacent properties and along the access road when passing the site. It would be seen in the context of the previous extensions and alterations to the appeal property and the current varied architectural style of the properties in the immediate locality.
6. Against this backdrop, the scale, form and siting of the proposed extensions, would not appear significantly out of place or excessive in relation to the built form of the host property and the adjacent properties. The changes and reduction in the scale of the first floor extension would, in my view, address the concerns raised by the Inspector on the previous appeal scheme. The overall scale and proportions of the proposed first floor extension, stepped down and set back, together with use of matching materials and fenestrations would ensure the development would sit relatively unobtrusively against the two storey form of the host property and allow the proposal to achieve an appropriate degree of subordination to the main house.
7. I therefore consider that the proposed extensions would not significantly detract from the architectural integrity of the host property and would limit any significant adverse impacts on the street scene.
8. Consequently, I conclude that the proposal would not result in harm to the character and appearance of the area. It would be consistent with the overall aims of Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2017 which, amongst other things, require development proposals to be of a high quality design that improve or enhance the distinctiveness and character of the area. In addition, the proposal would accord with the National Planning Policy Framework that developments should seek to secure a high quality of design (paragraph 124) that are sympathetic to the local character (paragraph 127).
9. Having regard to the National Planning Policy Framework, and in particular paragraph 55, I have considered the conditions suggested by the Council. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. In order to protect the character and appearance of the area, I have also imposed a condition requiring that the external surfaces of the development match those of the existing property.
10. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR