
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: 16 July 2020

Appeal Ref: APP/B0230/D/20/3244374

25 Ouseley Close, Luton LU4 9GD

- 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 Sajid Mahmood against the decision of Luton Council.
 - The application Ref 19/01236/FULHH dated 14 September 2019, was refused by notice dated 12 November 2019.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on
 - (i) the character and appearance of the host property and the area; and
 - (ii) the living conditions of the occupiers of the neighbouring properties at No. 24 Ouseley Close and No. 23 Addington Way with particular regard to outlook, privacy, noise and disturbance.

Reasons

Character and appearance

3. The appeal property at No. 25 Ouseley Close (No. 25) is a two storey end terrace property located in a mature well-established residential area, typically characterised by terraced and semi-detached properties set back from the road behind a front garden/driveway. No. 25 being situated on a corner plot has more expansive grounds with the front gable roof that creates a book-end and distinctive feature with the adjoining terrace of properties.
4. The proposal would entail the construction of a two storey side extension with a dual hipped pitched roof that would extend across the full width of the house and project out by about 4.0m from the side elevation of the property.
5. Although the proposed extension would not appear overlarge, relative to the overall plot size, the scale and form of the proposed extension would nevertheless still be a significant addition relative to the main property and would fail to respect the established pattern and spacious layout of the area. The awkward design and bulkiness of the hipped roof over the extension would be very much at odds with the distinctive gable roof of the host property.

6. These shortcomings would be exacerbated by the proposal's prominent position, which would be visible from a number of public vantage points along Ouseley Close and Addington Way. The proposed extension, by virtue of its scale, siting and design, would fail to achieve an appropriate degree of subordination to the host property and would detract from the architectural integrity of the host property. As such, I consider that the proposed extension would result in an incongruous and out-of-keeping addition that would cause unacceptable harm to the host property and the area.
7. I note the appellant's willingness to amend the appeal scheme. This, however, would result in material changes to the proposal before me and in any event, I am required to consider the proposal on the basis of the same details that were before the Council when it made its decision.
8. Consequently, I conclude that the proposal would result in harm to the character and appearance of the area. It would be contrary to the overall aims of Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2017 (LP) which, amongst other things, require development proposals, including extensions, to be of a high quality design that improve or enhance the distinctiveness and character of the area. In addition, the proposal would not accord with the National Planning Policy Framework (the Framework) that developments should seek to secure a high quality of design (paragraph 124) that are sympathetic to the local character (paragraph 127).

Living conditions of the occupiers of the neighbouring properties

9. The proposed extension would be located adjacent to the blank side elevation of the two storey property at No. 24 Ouseley Close (No. 24) immediately to the north-east of the site. The extension would be set back from the small rear enclosed garden at No. 24 and is separated from the rooms and garden at the rear of the adjacent property by a close boarded fence of measuring about 2m high running between the properties.
10. Whilst I accept that there is some impact from the development, given the overall height and design of the extension, set back, together with the boundary treatment and the separation distance between the properties, I do not consider that the proposal would cause significant harm to the privacy, nor result in significant overlooking of the occupiers in the rooms and garden area at the rear of the adjacent property at No. 24. The relationship between the proposed development and the adjacent property would not be significantly materially different to the existing situation on the site that can be overlooked from the existing windows at the front of No. 25.
11. Due to the sloping topography, the two storey property at No. 23 Addington Way (No. 23) is set down below the appeal property immediately to the south-east of the site. The extension would be set back from the common shared boundary and the small rear enclosed garden at No. 23 and is separated from the rooms and garden at the rear of the adjacent property by a high retaining wall/fence and mature vegetation running between the properties.
12. Given the difference in the site levels, boundary treatment and the separation distance between the properties, I consider that the extension, set back, would not significantly dominate the views to cause an overbearing effect and an unacceptable sense of enclosure at the rear of No. 23. The outlook at the rear of No. 23 is already toward the high blank retaining wall/fence and the

blank side elevation at No. 25 and the appeal site would be separated by the high wall/fence and mature vegetation running between the properties.

13. The removal of the existing fence and creation of a two additional parking spaces to front of No. 25 as part of the appeal scheme would clearly lead to an increase in vehicular movements passing by the front of the existing dwelling. This is likely to lead to some increase in noise levels. However, there is an existing parking forecourt and public highway leading to a cul-de-sac immediately to the north of the adjacent property at No. 24 already. The occupiers of No. 24 would therefore be used to a certain degree of noise and disturbance within the private amenity space at the rear.
14. The Council have not provided any evidence which demonstrates the proposed additional parking spaces would generate a more harmful level of noise or disturbance compared to those already in place. The proposed scheme could incorporate appropriate boundary treatment along the parking spaces. If I had been minded to allow the appeal, then this would have been an appropriate measure that could be controlled by planning condition to further protect the existing occupants from unacceptable levels of noise and disturbance.
15. As such, I conclude that the development would not adversely harm the living conditions of the occupiers of the neighbouring properties at No. 24 Ouseley Close and No. 23 Addington Way with particular regard to outlook, privacy, noise and disturbance. Accordingly, it would be consistent with Policies LLP1, LLP19 and LLP25 of the LP which seek, amongst other things, to ensure that development, including extensions, create quality places that do not adversely affect the amenity of nearby occupiers. In addition, it would accord with the Framework that development should seek to create places that promote health and well-being, with a high standard of amenity for existing and future users (paragraph 127).

Conclusion

16. Notwithstanding my findings on the lack of harm to the living conditions of the occupiers of the neighbouring properties this does not outweigh the harm found to the character and appearance of the area. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR