



Appeal Decision

Site visit made on 24 July 2020

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 10 August 2020

Appeal Ref: APP/B0230/D/20/3250914

142 Austin Road, Luton LU3 1UB

- 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 I Shahbaz against the decision of Luton Council.
 - The application Ref 20/00158/FULHH, dated 8 February 2020, was refused by notice dated 3 April 2020.
 - The development proposed is construction of a two storey, part single storey, side extension, a single storey rear extension, a 2m high boundary wall and a garage extension. 10 August 2020
-

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property is a bungalow on a corner plot in a suburban residential area that is characterised by closely spaced semi-detached dwellings with shallow front gardens and narrow pavements. The setback of the bungalow from its side boundary, other than for an attached garage to the property to the east, is replicated by the other corner properties at the staggered junction of Austin Road with Wadhurst Avenue and Midhurst Gardens. Together with the wider pavements on corners, this introduces a welcome sense of openness that helps offset the otherwise dense development that characterises the area.
4. The appeal property originally formed part of a hipped roof pair of semi-detached bungalows. However, under permitted development rights, to construct a second storey within the roof space, a hip to gable conversion has occurred and a large dormer on the rear roof has been constructed.
5. A hipped roof element of the 'L' shaped bungalow projects forward of its main elevation. The set back of the proposed single storey addition to this part of the dwelling, together with its set down in height, would mean that it would be subservient to the original building. However, this would not be the case with the proposed two storey gable ended side extension. It would be level with the roof and front elevation and taken together with the existing extensions would have the effect of greatly increasing the scale of the original building's roof. The resulting increase in the scale and mass of the building would completely unbalance the bungalow in relation to its attached neighbour, which has

- relatively modest rear and side dormers, and would close off much of the open corner that is of value in the streetscene.
6. The extension to the rear dormer would occupy the full width and almost the full height of the significantly wider roof that would be created. This would result in the chalet bungalow having a top heavy appearance. In conjunction with the proposed rear single storey extension, which would be visible above the height of the proposed boundary wall, the cumulative effect of these extensions would be to dominate the dwelling and result in it appearing cramped within its plot.
 7. The proposed boundary wall along the side of the site would only increase to 2m in height from the start of the rear elevation. Given that a fence almost as tall as the proposed wall currently encloses most of the side of the dwelling, as well as the side of the site, I find that the height of the proposed boundary wall, together with the minor changes to the front of the garage, would be acceptable in design terms. My favourable findings though on these latter aspects of the proposal, and the single storey hipped roof addition to the side of the dwelling, do not negate my findings regarding the harmful effect of the scheme on the character and appearance of the area.
 8. Reference has been made to the extension that has been carried out to the corner property at 124 Austin Road. However, as this is on the corner to a short cul-de-sac it is less prominent within the streetscene. Moreover, unlike the appeal proposal, the extensions to this dwelling are single storey additions and do not include a full width dormer that dominates the rear roof. As a result, the extensions to this property are subservient to the dwelling and do not close off the openness of the corner to the same extent as the proposed development.
 9. Other properties have also been referred to in support of the appeal. The circumstances though in each proposal are likely to be different, and in any event the fact that extensions to other properties in the locality have been permitted is not a reason, on its own, to allow unacceptable development. I have considered the appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above. The fact that these developments have occurred is not therefore a consideration of material weight in favour of the proposal.
 10. Taking all these matters into account, I therefore conclude that the proposed development would cause unacceptable harm to the character and appearance of the area, contrary to policies LLP1, LLP19 and LLP25 of the Local Luton Plan. These policies require the protection and enhancement of the character and appearance of a locality through high quality design that respects local design features.
 11. The proposal would make efficient use of land. However, it would fail to constitute good design that would protect or enhance the existing built environment. As a result, it would also be contrary to sections 2 and 12 of the National Planning Policy Framework and would not comply with the Framework considered as a whole. It would therefore not constitute sustainable development.
 12. For the reasons given above, the appeal should therefore be dismissed.

Ian Radcliffe Inspector