



Appeal Decision

Site visit made on 15 September 2020 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2020

Appeal Ref: APP/B0230/D/20/3252693

6 Capron Road, Luton LU4 9BU

- 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 and Mrs D Kmwada against the decision of Luton Borough Council.
 - The application Ref: 20/00233/FULHH, dated 22 February 2020, was refused by notice dated 28 April 2020.
 - The development proposed is conversion of garage, side two storey extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - i. The impact of the proposed development upon the living conditions of the occupiers of No.8 Capron Road with regard to outlook and loss of sunlight.; and
 - ii. The effect of the proposed development upon the character and appearance of the host dwelling and street scene

Reasons for the Recommendation

Living conditions

4. The proposed side extension would extend to the full width of the plot on the ground floor and would be set in on the first floor as well as being set in from the front elevation of the dwelling. The proposed gable roof would also be set below the roof height of the host dwelling. To the rear of the dwelling, behind the proposed extension is a garage and the proposal would connect the dwelling to this garage and convert it to residential use.
5. No.8 is located on the same side as the proposed extension and is a detached dwelling with a cat slide roof with a number of windows on the side elevation of the house that faces the side elevation of No.6. On the ground floor there are secondary windows that serve the kitchen as well as a large window that

provides light to the stairwell. On the first floor there is a large window that serves a bedroom, and this is the only window that serves that room. The proposed extension would bring the side elevation of the dwelling closer to these windows which would result in the loss of sunlight that these windows would receive. Furthermore, whilst the outlook from these windows is of the side elevation of No.8, by bringing the side elevation of the house closer to these windows, the outlook would be oppressive, and the side extension would appear overbearing from these rooms.

6. The windows in the kitchen are secondary windows and there is a main window that faces out into the garden so the loss of sunlight would be partially mitigated because of this and the stairwell is not a habitable room so the loss of sunlight would not have as great an impact upon the occupiers living conditions. Notwithstanding this, the window on the first floor is the only window that serves a habitable room and the loss of sunlight and from this window as well as the oppressive outlook would cause unacceptable harm to the living conditions of the occupiers of No.8.
7. Therefore, the proposed development would appear overbearing to the occupiers of No.8 from a number of habitable rooms and would result in a loss of sunlight to these rooms. This would cause harm to the living conditions of the occupiers of this dwelling. Accordingly, the proposed extension would be contrary to Policy LLP1 of the Luton Local Plan 2011 – 2031 (LLP) (adopted 2017) which states that planning permission will be granted where applications accord with the local plan policies when taken as a whole, unless other material considerations indicate otherwise. The proposal would also not comply with Policy LLP19 and LLP25 insofar as the policies requires extensions to not adversely affect the amenity of nearby occupiers, in respect of visual intrusion, loss of light, loss of privacy

Character and appearance

8. The appearance of the dwellings along Capron Road vary with the buildings along the road developed sporadically over time and a number of dwellings have been extended, adding further variety to the street scene.
9. The proposed side extension would be less than half the width of the host dwelling and because it would be set in from the host dwelling, the side extension would appear subordinate. Furthermore, the conversion of the garage to residential use would be located behind the proposed extension so would not be visible within the street scene and because of this, the rear extension would have little to no harmful effect upon the appearance of the dwelling or the street scene.
10. Therefore, the proposed development would conform to good design principles, be subordinate to the host dwelling and would not cause harm to the character and appearance of the wider area, particularly in the context of the varied style and size of dwellings on the street. Consequently, the proposal would be in accordance with Policy LLP1 of the LLP which states that the Council will require all new development in the borough to contribute to enhancing a sense of place preserve or improve the character of the area. The proposal would also comply with the specific design aspects of Policy LLP19 which identifies several development requirements for extensions to dwellings. The proposal would also be in accordance with the design aspects of Policy LLP25 which looks to ensure that development enhances the distinctiveness and character of the area.

11. and/or overlooking particularly where there is effect on a habitable room.

Conclusion and Recommendation

12. Whilst the proposed extension would not harm the character and appearance of the dwelling or the street scene, the proposal would appear overbearing and result in a loss of sunlight to the occupiers of No.8 which would cause harm their living conditions. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

Chris Preston

INSPECTOR