



Appeal Decision

Site visit made on 28 July 2020

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 8th October 2020

Appeal Ref: APP/B0230/D/20/3251535

269 Chesford Road, Luton LU2 8DT

- 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 M Hudson against the decision of Luton Council.
 - The application Ref 20/00149/FULHH, dated 6 December 2019, was refused by notice dated 8 April 2020.
 - The development proposed is removal of the existing roof from the existing single-storey extension and build up from the existing brick & blockwork with a timber frame construction to form an additional first-floor bedroom and bathroom.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposed development on the living conditions of the occupiers of 271 Chesford Road with regard to outlook; and,
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Living conditions

3. Of the development plan policies cited by the Council in relation to this issue, I consider policies LLP19 and LLP25 to be relevant as they both seek to prevent harm to living conditions.
4. The first floor rear extension would project to the rear of the house by just over 3m. Although it would be set in from the side boundary, the set in would not be large enough to prevent a flank wall of this length extending across and unduly enclosing the outlook enjoyed from the adjacent first floor bedroom window at No 271. In views from this window, the rear extension would be overbearing and would unacceptably harm the living conditions of the occupiers of No 271. This would be contrary to policies LLP19 and LLP25 of the Local Luton Plan.

Character and appearance

5. Chesford Road is characterised by modest gable ended houses arranged in short terraced rows, or as semi-detached pairs, set back from the road behind short front gardens.
6. No 269 is an end terraced house that has a single storey extension to the front, a set-back single storey extension to the side and a single storey extension across the rear. All of the existing extensions have gable ends to match the roof of the house. In contrast, the proposed extension would have a hipped roof. This would be at odds with the main roof and front extension to the house. In combination with the use of cladding on the extension shown on the submitted plans, rather than the use of matching brickwork, this would result in an incongruous extension that would not be consistent, or in keeping, with the existing house or houses that characterise the road.
7. As the proposed first floor extension would be set down from the height of the roof of the house, set back from its front elevation and far narrower than its width, in scale it would be subservient to the dwelling. The extension would occupy all the space between the flank of the house and the side boundary. However, given the wide width of the gap separating the house from No 267 sufficient space would remain between the two houses for No 269 not to appear out of keeping with the pattern of development that characterises the area.
8. Notwithstanding my favourable findings in relation to the scale of the extension and the gap that would separate the extended house from its unattached neighbour, this does not overcome the problems that I have identified in relation to the design of its roof and use of timber cladding. For the reasons given above, I therefore conclude that the proposed development would unacceptably harm the character and appearance of the house and would not constitute good design. The proposal would therefore be contrary in this regard to policies LLP1, LLP19 and LLP25 of the Local Luton Plan which, amongst other matters, require the protection of the character and appearance of a locality through high quality design that respects local design features.
9. Reference has been made to a lapsed permission for a similar extension to the house that was granted in 2009. However, that scheme would have been assessed against the development plan policies and guidance that existed at the time it was approved and not against the policies of the current Local Luton Plan which reflects the emphasis on high quality design contained in the National Planning Policy Framework. Consequently, reference to this permission has not altered my findings in relation to the proposed development.
10. Photographs have been provided of other nearby extensions. The circumstances of each are likely to be different, and in any event the fact that development which is similar in some regards has 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 presence of these extensions is therefore not a consideration of material weight in favour of the proposal.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

Ian Radcliffe Inspector