



Appeal Decision

Site visit made on 29 September 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2020

Appeal Ref: APP/B0230/D/20/3255947

133 Kinross Crescent, Luton LU3 3JX

- 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 P Prenga against the decision of Luton Borough Council.
 - The application Ref 20/00005/FULHH, dated 1 January 2020, was refused by notice dated 21 April 2020.
 - The development proposed is described as: 'Single and two-storey extensions to the front, side and rear'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the occupiers of No 135 Kinross Crescent were not present for access to their property, I was satisfied that I could gather sufficient information to determine the appeal from the appeal site and on public land.
3. At the time of my site visit, I saw that construction works had commenced on site, excluding the 2-storey elements. I have dealt with the appeal on this basis.

Main Issues

4. The main issues of this appeal are the effect of the proposed development on:
 - i. the character and appearance of the appeal site and surrounding area; and,
 - ii. the living conditions of the occupiers of No 135, regarding outlook and daylight.

Reasons

Character and appearance

5. The host dwelling is a semi-detached property on a suburban residential estate, and is of brick construction with a tiled roof. The adjoining house, No 131 Kinross Crescent has hung tiles on its front elevation at first floor and I consider that given the design of other dwellings in the locality, it is highly likely that hung tiles were present at first floor on the front elevation of the host dwelling too before the construction works commenced. In the street, whilst the shape and form of the semi-detached houses are similar there are some properties that have render at first floor on the front elevation.

6. The Officer Report confirms that there has been a previous planning approval¹ on the site that has been implemented, and that the Council's concerns on this main issue surround the 2-storey front extension, with little reference to the other elements of the scheme. On the evidence before me, I have little reason to disagree with the Council's observations in this instance.
7. The proposed 2-storey front extension would represent a notable addition to the host dwelling. On my site visit, I noted that majority of the houses on this road have not been significantly altered, which contributes to the balanced form and regular rhythm of development to the street. Whilst there is no specific policy objection to the principle of a residential extension, I note that the appeal scheme would comprise a strident addition altering the appearance of the building considerably through its overall width and front facing gable roof.
8. The host dwelling has retained a clear sense of balance and symmetry relative to the adjoining property, which accordingly contributes towards a positive feature of the wider street scene. Whilst the proposal comprises two storey and single storey elements this still results in an incongruous addition to the host dwelling relative to its existing proportions and design. These factors would diminish and unbalance the character and appearance of the host dwelling to the detriment of the wider street scene. Although the appeal site is set further back from the road when compared to No 135, would have lower ridge heights and would be constructed out of similar materials to the host dwelling, this would not provide sufficient mitigation to overcome the harmful visual effect of the proposed 2-storey front extension.
9. For the above reasons, I therefore conclude that the proposed development would unacceptably harm the character and appearance of the appeal site and the surrounding area. This would be contrary to the design, character and appearance aims of Policies LLP1, LLP19, LLP25 of the Local Luton Plan 2011-2031 (LP) and the requirements of the National Planning Policy Framework (the Framework).

Living conditions

10. The Officer Report confirms that the proposed development would not create any harmful effects to the living conditions of the adjoining occupiers at No 131. On the evidence before me, I have little reason to disagree with the Council on this matter.
11. On the rear elevation of No 135 there are 2no. windows at first floor on its 2-storey side extension, which the Council advises forms a residential annexe to the main dwelling. On the submitted drawings the first-floor window nearest to the proposed development at No 135 is noted as being obscure glazed. However, the findings from my site visit indicate that this window is clear glazed, and it is the other window at first floor on the rear elevation of the annexe at No 135 that is obscure glazed. I am informed by the Council that the first-floor window closest to the proposed development at No 135 serves a kitchen. This is not disputed by the appellant.
12. The submitted drawings indicate that the 2-storey side extension would extend in excess of 3m beyond the existing rear building of the annexe at no 135.

¹ 19/00887/FULHH

Whilst a side space would be maintained between the proposed development and the shared boundary between the site and No 135, I still find that the proposed development would be visually intrusive on the occupiers of No 135, creating significant harm to their outlook from the kitchen window in the annexe, which is listed as a habitable room in LP Policy LLP19.

13. The proposed development would be sited in proximity of a first-floor window in the side elevation of No 135 that faces the site. I am informed by the Council that this window serves a living room in the annexe, which is a habitable room. Currently this window does not face any development and thus receives a notable amount of daylight and some sunlight later in the day. Due to the modest distance of the proposed 2-storey development from the living room window at No 135, a large proportion of the window would directly face the proposed development. Whilst the window is obscure glazed and submitted drawings indicate that a vision splay would remain, in the absence of any evidence to the contrary, I consider that the proposed development would significantly harm the amount of day/sun light to this window, to the detriment of its occupiers and their living conditions.
14. For the above reasons, I therefore conclude that the proposed development would unacceptably harm the living conditions of the occupiers of No 135 through a significant loss of outlook and day/sunlight. This would be contrary to the amenity aims of LP Policies LLP1, LLP19, LLP25 and the requirements of the Framework.

Other Matters

15. Having carefully considered the benefits of the proposal and all other considerations, I find that individually and cumulatively, they would not clearly outweigh the identified harm on the main issues. I have considered this appeal scheme on its own particular merits and concluded that it causes harm for the reasons set out above.

Planning Balance and Conclusion

16. Given my findings above, the proposed development would result in harm to the character and appearance of the appeal site and the surrounding area and to the living conditions of the occupiers of No 135, which would conflict with parts of the environmental and social objectives set out in paragraph 8 of the Framework. Thus, the proposal does not constitute sustainable development.
17. Taking all matters into consideration, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR