



Appeal Decision

Site visit made on 15 September 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2020

Appeal Ref: APP/B0230/W/20/3254199

Osborne House, 18 Compton Avenue, Luton LU4 9AZ

- 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 Iqbal Pathan against the decision of Luton Council.
 - The application Ref 19/01395/FUL, dated 20 October 2019, was refused by notice dated 18 March 2020.
 - The development proposed is front side single storey extension to sitting room and new laundry room, rear two storey extension to accommodate additional bedrooms with en-suite facilities.
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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 upon the character and appearance of the host property and the area; and
 - The effect of the proposed development upon the living conditions of nearby occupants, with particular regard to overlooking and privacy in relation to 16 Compton Avenue and general noise and disturbance.

Reasons

Character and appearance

3. The appeal property is a large double fronted two-storey building in use as an elderly care home. The property has been extended several times mainly to the rear resulting in a disjointed appearance. The front and side elevations present a building in a 1930s Mock Tudor style. The distance between the property and No 16 has created a noticeable gap in the street scene. Whilst there is mature landscaping along the side with 20 Compton Avenue and along the rear boundary, the building is readily visible from within the surrounding area due to the gap.
4. The proposed development includes two distinct parts – a single storey side extension and a two-storey rear extension. Whilst the proposed single storey extension would have a crown roof, I find that its form, scale and appearance would be sympathetic to the host property.

5. The proposed two-storey extension would extend the host property considerably. It would elongate the building and would be significantly large and disproportionate to it. The flat roof would lack architectural subtlety, and although subservient, would not be sympathetic to the appearance of the host building.
6. The bulk of the two-storey extension would be overly dominant and prominent, particularly from the street. Whilst reasonably localised, the proposal would unacceptably harm the character and appearance of the host property and the area.
7. I conclude that the proposed development would adversely affect the character and appearance of the host property and the area. Consequently, it would be contrary to Policies LLP1, LLP15 and LLP25 of the Luton Local Plan (2017) (LP) which, amongst other things, requires all new development to contribute to enhancing a sense of place, to preserve or enhance the character of the area and high quality design that responds positively to townscape, street scene, site and building context.
8. It would also be contrary to Section 12 of the National Planning Policy Framework (the Framework) which, amongst other things, seeks to ensure that developments add to the overall quality of the area and are visually attractive as a result of good architecture.

Living conditions

9. I acknowledge that the proposed two storey extension would extend further to the rear. However, it would not come any closer to the side boundary with No 16. Adequate separation between the proposed development and No 16 exists and therefore it would not result in overlooking or a loss of privacy, particularly as only one habitable room window would face the side boundary and the external staircase leads off a corridor.
10. Compton Avenue is a predominately residential street defined by detached and semi-detached properties. However, Leagrave railway station is located close to the site and the street includes a commercial property and other care homes which generate activity along the road.
11. I acknowledge that the proposed development would increase the number of rooms at the care home which may result in additional residents and staff and family visits. However, there is no substantive evidence to indicate that these activities would result in a significant increase in noise and disturbance so as to adversely affect the living conditions of nearby occupiers given the level of existing non-residential activity in the area.
12. I conclude that the proposed development would not result in unacceptable noise and disturbance to nearby occupants. Consequently, it would accord with Policies LLP1 and LLP25 of the LP which, amongst other things, seek to minimise noise, overlooking and the protection of privacy. It would also accord with the Framework.

Other Matters

13. I acknowledge that the development would provide additional elderly care facilities. However, this would not overcome the harm that I have identified in relation to character and appearance.

Conclusion

14. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR