



Appeal Decision

Site visit made on 6 October 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2020

Appeal Ref: APP/B0230/D/20/3251875

5 Fulbourne Close, Luton LU4 9PW

- 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 K Miah against the decision of Luton Council.
 - The application Ref 19/01677/FULHH, dated 30 December 2019, was refused by notice dated 17 April 2020.
 - The development proposed is the erection of single storey side and rear extensions and rear dormer window.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of single storey side and rear extensions and rear dormer window at 5 Fulbourne Close, Luton LU4 9PW in accordance with the terms of the application, Ref 19/01677/FULHH, dated 30 December 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 03/19 -P1 (site location, block plan and ground floor plan as existing)
 - 12/19 -P2 (ground and first floor plan, as proposed and existing)
 - 12/19 -P3 (first and second floor plan as proposed)
 - 12/19 -P4 (elevations as existing and proposed)
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The development hereby permitted shall not be occupied until spaces have been laid out within the site for three cars to be parked as identified on approved plan 03/19 -P1. Those spaces shall thereafter be kept available at all times for the parking of vehicles.

Main Issue

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

Reasons

3. The appeal property is situated at the head of Fulbourne Close, a cul-de-sac characterised by modern detached dwellings arranged around the close to an irregular building line. There is variation in size, scale and layout from one dwelling to the next, but common features such as pitched roofs, gables, first floor dormers and 'mock Tudor' detailing give the street a coherent character. There are two principal strands to the proposed development. The first is the erection of a ground floor extension providing a dining room and lounge at the rear of the dwelling, which would also take in the existing detached double garage to become the kitchen and utility rooms. The second is the creation of an additional bedroom with ensuite shower room in the existing loft space.
4. The ground floor extension would project around 4.2m beyond the existing rear elevation of the dwelling, and would have a flat roof with a single lantern skylight so would differ from the main dwelling and the existing garage which have pitched roofs. However, it would be almost entirely screened from public viewpoints by the side extension and the main dwelling, and therefore I consider it would have a negligible impact on the street scene. The former garage would be expanded towards the street and sideways into the rear garden, and its ridge height would be a little higher than at present. However, it would not be so large or so close to the street as to be intrusive or overbearing, and the stepped building line which would result is already a characteristic feature of Fulbourne Close.
5. The converted loft would have rooflights on the western side towards the street, with two flat-topped dormers on the eastern side. While the dormers would, in combination, occupy a significant portion of the width of the roof slope, they would be set in from the side gable walls, below the ridge line, and set well up the roof slope above the eaves. They would therefore be proportionate with and subservient to the existing dwelling.
6. The proposed extension would reduce the size of the rear garden of No 5 to around 108m², compared to the Council's recommended 90m² for a property with three or more bedrooms. While I have not been provided with any calculations of plot ratios within Fulbourne Close, from the submitted evidence and what I saw on my site visit it does not appear that the extended dwelling would occupy a proportion of its plot which would be significantly out of kilter with the other dwellings in the street. From my observations on my site visit, while the extension would represent a significant increase in the built footprint, the remaining space would be adequate in size and, equally importantly, capable of being put to practical use as a garden.
7. Both parties referred me to a previous appeal in respect of proposed extensions to No 5 (Ref: APP/B0230/D/19/3235074), and I have had regard to this in arriving at my decision. I note that the previous Inspector considered that a flat roof on the proposed rear extension 'would not be a discordant feature that would impact on the street scene to any significant degree', and that the pitched roof of the converted garage would 'reflect other features in the street'. He also found that, when taking into account the proposed single dormer, the proposal as a whole would 'dominate and distort the host dwelling', and that the scale of building on the rear garden would mean the resulting large dwelling would appear cramped on its plot and incongruous in the street scene. The size of the rear extension and dormer have both been significantly reduced

from the previous scheme, and I consider that the proposal as a whole would have a different effect on the surrounding area.

8. I conclude that the proposal would have an acceptable effect on the character and appearance of the area. It therefore complies with Policies LLP1 LLP19 and LLP25 of the 2017 Luton Local Plan, which among other things require new domestic extensions to be of a scale, mass, layout and design consistent with and proportionate to the principal dwelling, surrounding properties and wider area. I also find no conflict with the requirements of the National Planning Policy Framework in respect of achieving well-designed places.

Other matters

9. Neighbours expressed concerns about car parking pressure within and around Fulbourne Close. These were borne out by my observations at the time of my site visit, when many driveways were full and a significant number of vehicles were parked in the street. I have imposed a condition in relation to the provision of parking spaces at No 5.
10. A number of other matters were also raised. The information before me and my own observations suggest that the positioning of windows would not lead to harmful overlooking of neighbouring properties, while the scale of the dormers and extended garage roof would not be likely to result in a significant loss of daylight or sunlight for neighbours. Protected trees on the eastern site boundary would not be affected by the proposed development, while issues relating to access during the development and the potential effects on existing hedges not owned by the appellant are private legal matters between the relevant parties rather than an issue for me to address in determining this appeal. I note that the Council did not find any significant harm in these respects, and none of the evidence before me leads me to a different view. None of these other matters has altered my overall conclusion.

Conditions

11. In addition to the standard time limit condition I have specified the approved plans so as to provide certainty. In order to protect the character and appearance of the area I have also included a condition requiring materials matching the existing dwelling to be used for the extension.
12. In order to ensure that parking pressure and the resultant risk of accidents from vehicles manoeuvring within the street are not increased, as suggested by the Council in the interests of highway safety I have imposed a condition in respect of the proposed parking spaces. I have amended the suggested wording in the interests of precision and to ensure that the condition can be enforced. The parking spaces are required to be provided before the permitted extension can be occupied and retained for that purpose afterwards.

Conclusion

13. For the reasons given above the appeal is allowed.

M Cryan

Inspector