



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: 26 October 2020

Appeal Ref: APP/B0230/D/20/3252465

19 Leygreen Close, Luton LU2 0SQ

- 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 Lauren Smith against the decision of Luton Council.
 - The application Ref 19/01634/FULHH, dated 16 December 2019, was refused by notice dated 16 March 2020.
 - The development proposed is a 2-storey side and rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The second reason for refusal on the Council's decision notice referred to plan numbers 'LG100/103A' and 'LG100/104A'. The appellant has pointed out that this should have read 'LG100/103 Rev. B' and 'LG100/104 Rev. AB', and so argued that reason for refusal 'should be disregarded as it is factually incorrect'. I have been provided with the correct drawings, and while I do not know the extent of changes between different versions, it is clear that the Council's officer report refers to the correct external dimensions of the extension. In any case, for reasons which I briefly set out below, the precise measurements are not a critical matter in my decision. Whatever the reason for the incorrect reference in the decision notice, I am satisfied that it has not prejudiced the appellant's interests. Accordingly, I have determined this appeal on the basis of the full decision notice and other evidence before me.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area, and on the living conditions of occupiers of No 20 Leygreen Close, with particular regard to privacy.

Reasons

Character and appearance

4. The appeal property is a one-bedroom house forming part of a cluster block of three dwellings sitting at the end of Leygreen Close, a cul-de-sac of small to medium sized detached, semi-detached and terraced properties. Front gardens within the close are generally small, and for the most part the street therefore has a consistent enclosed and compact character. However, rear gardens are generally larger, and the appeal property is no different in this respect. While

the surrounding area is predominantly residential, there is a school field across a communal parking court to the south and the land falls gently away to the east over a large public open space. These factors mean that, despite its own modest size, the surroundings of No 19 are relatively spacious and open.

5. The proposal is to demolish an existing conservatory on the north-east facing rear elevation, and to erect a two-storey rear and side extension. This would provide a new kitchen and area on the ground floor, with two new bedrooms and a bathroom created at first floor level. The rear-facing extension would have a double-pitched roof with a gable end, while the side extension would have a single pitched roof.
6. The extension would wrap in an L-shape around almost the full side and rear elevations of the appeal property, more than doubling its floorspace. Notwithstanding the dispute between the parties over the precise increase, by the appellant's own figures it would expand floorspace by 128.5%. The development plan does not set out limits for extensions in numerical terms, but requires them to be consistent with the principal dwelling and surrounding properties in scale and massing. The extension in this case would not be modestly sized by any stretch of the imagination, but a very substantial addition which would be disproportionately large when considered alongside either No 19 itself or the cluster block of three dwellings of which it is part.
7. While the roof height would be below that of the existing ridge, and matching materials would be used, because of the overall bulk of the extension and the height of its front-facing elevation it would have only a limited degree of subservience to the original building. The development would substantially alter the appearance of the host property, which would become overwhelmed by and subsumed within its extension. Although No 19 is not in a prominent location within Leygreen Close, clear public views are available from the turning head within the street, from the communal parking area, and from the public open space to the rear. Seen from any of these places, or from neighbouring houses, the extension would be a large and incongruous addition to the existing modestly sized dwelling.
8. Given No 19's relatively large rear garden and its siting next to the access way to the communal parking area, the extension would not substantially reduce the spaciousness between the appeal property and its neighbours. In this respect I consider that the proposal would not cause unacceptable harm to the area. However, this would not outweigh the other harm which I have found.
9. I conclude that the extension would be harmful to the character and appearance of the area, and the proposal therefore conflicts with Policies LLP1, LLP19 and LLP25 of the 2017 Luton Local Plan 2011-2031 (the LLP). Together these policies seek to ensure that developments demonstrate good design, and that extensions are consistent with and proportionate to the host building, surrounding properties, and the character of the area. For the same reasons it fails to comply with the requirements set out in Chapter 12 of the National Planning Policy Framework (the Framework) in respect of achieving well-designed places.

Living conditions

10. Because of the enclosed and compact design of Leygreen Close, many properties within the street have entrances which are very close to those of

their neighbours. I observed on my site visit that adjacent pairs, including Nos 19 and 20, have front doors facing different elevations so as to offer some increased privacy for people coming and going.

11. The proposed extension would have three windows on its front-facing elevation at ground and first floor levels, two of which would serve habitable rooms. These would lead to some overlooking of the entrance to No 20, which is around 3.1m in front of that elevation. I acknowledge that there would be no views into the neighbouring dwelling arising from the extension, but the arrangement of the side extension in respect of the entrance to No 20 would be likely to lead to some loss of privacy for the occupiers of that dwelling. The appellant has suggested that she would be willing to accept a condition requiring the use of obscure glazing in the windows on the side elevation. However, in my view this would not be satisfactory as with three windows facing towards the entrance to No 20 even the use of obscure glass would not prevent a significant perceived loss of privacy.
12. I conclude that the extension would cause harm to the living conditions of occupiers of No 20 Leygreen Close arising from a loss or perceived loss of privacy. The proposal therefore conflicts with Policies LLP1, LLP19 and LLP25 of the LLP, which among other things seek to ensure that development including extensions does not adversely affect the amenity of neighbouring occupiers. For the same reason, it would not comply with the requirements of Paragraph 127 of the Framework in this respect.

Other Matters

13. I note that the Council considered that extending the appeal property would not be unacceptable in principle, and none of the evidence before me leads me to a different conclusion on this matter.
14. The appellant expressed concern in her appeal statement about how the Council handled the planning application, including the outcome of pre-application meetings, as well as the accuracy of measurements and calculations in the Council's officer report. These are issues which the appellant would need to raise with the Council rather than matters for me to address in determining this appeal. I have reached my conclusion based on the planning merits of the proposal, and find that it causes harm as I have described.

Conclusion

15. For the reasons given above the appeal is dismissed.

M Cryan

Inspector