



Appeal Decision

Site visit made on 13 October 2020 by G Sibley MPLAN MRTPI

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020

Appeal Ref: APP/B0230/D/20/3254971

100 Ashcroft Road, Luton LU2 9AX

- 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 and Mrs E Saffa against the decision of Luton Borough Council.
 - The application Ref: 20/00321/FULHH, dated 28 February 2020, was refused by notice dated 12 May 2020.
 - The development proposed is demolition of existing garden room and rebuild to form detached garden room with office in roof space ancillary to existing dwelling, re-submission previous approval ref 18/00972/FULHH.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - i. The effect of the proposed development upon the character and appearance of the street scene; and
 - ii. The impact of the proposed development upon the living conditions of the occupiers of No.16 and No.18 Walnut Close.

Reasons for the Recommendation

Character and appearance

4. The existing outbuilding is located at the end of the garden for No.100 which is a long but narrow garden and the outbuilding has a door that opens out directly onto Walnut Close which is located to the rear of No.100. Walnut Close is a cul-de-sac and there are two dwellings (No.16 and No.18) either side of the outbuilding. The outbuilding is a single storey building and is slightly taller than the fencing either side of it. No.16 and No.18 both have garages that are located between the outbuilding and the respective dwellings and these garages are narrow single storey buildings with steep pitched roofs. The dwellings within Walnut Close are similarly designed and each dwelling has either a narrow single storey garage or a wider and taller garage shared between two dwellings.

5. The proposed outbuilding would be about twice the height of the existing outbuilding and would be taller than the garages either side of it. The outbuilding would have a pitched roof similar to both of the garages and the dwellings along Walnut Close but would appear substantially larger than the two garages either side of it but also smaller than the two dwellings. The garages along Walnut Close are each clearly connected to a dwelling whereas the proposed outbuilding would be disconnected from any dwelling on Walnut Close. Given the scale and appearance of the building, it would be a half-way-house between the dwellings and the garages along Walnut Close, neither a garage or a dwelling and because of this, it would appear incongruous within the street scene.
6. Therefore, the proposed development would cause harm to the character and appearance of the street scene and would be contrary to Policy LLP1 of the Luton Local Plan 2011 – 2031 (adopted 2017) (LLP) which states that the Council will require all new development in the borough to contribute to enhancing a sense of place and preserve or improve the character of the area. Furthermore, the proposal would not be in accordance with the design aspects of Policy LLP25 which looks to ensure that development enhances the distinctiveness and character of the area.

Living conditions

7. No.18 has a short but wide garden and to the rear of it is No.19 which is a one and half storey dwelling and the flank elevation for this encompasses a central portion of the rear wall of No.18's garden. No.19 has been built close to the rear boundary of the garden and does appear overbearing from the garden and patio area at the rear of the house. The current outbuilding is located next to the side boundary of the garden and is slightly taller than the fencing but does not appear overbearing or enclose the garden. In comparison, the proposed outbuilding would be located in about the same location but would be deeper than the existing outbuilding and would be around twice the height of the fencing. Whilst the roof would taper away from the garden, the scale and siting of the outbuilding when combined with the flank elevation of No.19 would create a sense of enclosure around two sides of the garden. No.18's garage would block some views of the outbuilding from inside of the dwelling, nevertheless, the outbuilding would be clearly visible from the almost the entirety of the garden and given its height and siting, next to the boundary, it would appear overbearing to the occupiers using said garden.
8. The garden for No.16 is oddly shaped and relatively small and No.16's garage combined with the trees to the rear does create a sense of enclosure. The proposed outbuilding would be located forward of the front elevation of No.16's garage and parts of it would be visible from the patio area as well as the rear ground floor habitable rooms. The proposed outbuilding would also be taller than the garage and the roof of the outbuilding would be visible above it. Given the cramped proportions of No.16's garden and the siting of the proposed outbuilding close to the shared boundary, the garage would loom over the garden and the rear habitable rooms of the house and appear overbearing to the occupiers of the dwelling.
9. The windows on either side of the roofslope would be skylights and because of this there would be limited opportunities for overlooking into the gardens either side of it. There are two small windows that would be inserted approximately

just above the top of the fences either side of the outbuilding and would offer opportunities to look into the gardens either side of the outbuilding. Nevertheless, a condition could be attached to ensure those windows were obscure glazed which would protect the privacy of the neighbouring occupiers. Whilst the proposal would not result in a loss of privacy of the neighbouring occupiers, this lack of harm would not mitigate or outweigh the harm I have found in terms of the overbearing impact of the proposal would have upon the neighbouring occupiers.

10. Therefore, the proposed development would appear overbearing to the occupiers of the neighbouring dwellings and would cause harm to their living conditions. Accordingly, the proposed development would be contrary to Policy LLP1 of the LLP which states that planning permission will be granted where applications accord with the local plan policies when taken as a whole, unless other material considerations indicate otherwise. The proposal would also not be in accordance with LLP25 which states that building and spaces will be of high-quality design. Furthermore, the proposal would be contrary to paragraph 127(f) of the National Planning Policy Framework which notes that planning decisions should ensure that development creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

11. Planning permission was granted for a similarly designed outbuilding but built at a lower ground level which would reduce the overall height of the proposed building (Ref:18/00972/FULHH). The proposed outbuilding may be easier and cheaper to construct than the approved outbuilding and might create a more attractive and more easily accessible outbuilding for the occupiers of No.100 but that would not outweigh the harm to the neighbouring occupiers living conditions or the harm to the appearance of the street scene.

Conclusion and Recommendation

12. Therefore, the proposed outbuilding would appear incongruous within the street scene and would appear overbearing to the occupiers of the neighbouring dwellings which would cause harm to their living conditions. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

K Taylor

INSPECTOR