



Appeal Decision

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

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2020

Appeal Ref: APP/B0230/W/20/3253398

59 Seymour Road, Luton LU1 3NN

- 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 Mark Llewellyn against the decision of Luton Borough Council.
 - The application Ref: 19/00290/FUL, dated 6 March 2019, was refused by notice dated 9 March 2020.
 - The development proposed is two storey side extension to provide a new three bedroom end of terrace property.
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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.
 - ii. The impact of the proposed development upon the living conditions of the occupiers of No.57 Alton Road with regard to outlook; and
 - iii. The impact of the proposal on highway safety.

Reasons for the Recommendation

Character and appearance

4. No.59 is an end terrace two-storey dwelling with a gable roof and a two-storey front bay window and the garden wraps around the house. The run of terrace dwellings are similar in appearance, with gable ends, bay windows and arched headers over the front doors. The consistent design approach provides an attractive row of properties within the street scene. The terrace is bookended by side gardens which isolates the dwellings from the surrounding development and makes the terrace relatively prominent within the street scene. The properties on the opposite side of the street are typically semi-detached dwellings with hipped roofs and a similarly designed two-storey front bay

windows and are distinctly different to the design of the terrace development in question. The proposed dwelling would be two storeys tall with a hipped roof and a two-storey front bay window with the main door located on the flank wall of the proposed dwelling.

5. The appearance of the front elevation of the dwelling would not match the appearance of the run of terrace dwelling due to the hipped roof which would appear incongruous within the run of terrace dwellings. Whilst hipped roofs are not uncommon within the street scene it would not match the roof design of this particular terrace and would disrupt the pleasing coherence of the current row of properties. The unsympathetic roof profile would be further emphasised given the prominent location of the terrace dwellings. By not including a door on the front elevation, this further detracts from the consistent appearance of the dwellings and would give the proposed house the appearance of a disproportionately sized extension to No.59. The consistent appearance of the terrace dwellings is a positive characteristic of the street scene and the appearance of the proposed dwelling would detract from this consistent design approach.
6. Therefore, the proposed dwelling would be an incongruous addition to the street scene which would harm the character and appearance of the street scene. Consequently, the proposal would be contrary to Policy LLP1 of the Luton Local Plan 2011 – 2031 (LLP) (adopted 2017) which states that the Council will require all new development in the borough to contribute to enhancing a sense of place preserve or improve the character of the area. Furthermore, the proposal would also be contrary to the design aspects of Policy LLP25 which looks to ensure that development enhances the distinctiveness and character of the area.

Living conditions

7. No.57 Alton Road is located on the junction between Alton Road and Seymour Road. Alton Road is situated at a lower ground level than Seymour Road and Alton Road continues to decline away from Seymour Road. The rear of No.57 faces the flank wall of No.59 and the garage for No.57 is located between the two dwellings and is situated at a higher ground than No.57. The flank elevation of the garage makes up part of the side boundary treatment for No.57's rear garden. Given the change in ground levels, the boundary treatment along the side and rear of No.57's garden is around twice the height of a typical two-metre-tall garden fence.
8. The existing fencing around two sides of the garden is imposing and creates a sense of enclosure when viewed from the garden as well as from the kitchen/dining room at the rear of the house. The first floor of No.59 is visible from the garden and rear rooms of the house and given the change in ground levels the dwelling appears as tall as a three-storey building. Nevertheless, the setback distance between the two buildings ensures that the dwelling does not appear overbearing from the garden and rear rooms of the house.
9. The flank wall of the proposed dwelling would be significantly closer to the shared boundary and, whilst the proposed dwelling would have a reduced roofline, the dwelling would appear overbearing to the occupiers of the dwelling. Given the change in levels the two-storey dwelling would have the appearance of the three-storey dwelling and this would be an imposing structure built close to the rear boundary of the garden. When combined with

the already imposing fencing around the garden, the dwelling would only add to the sense of enclosure.

10. The proposed entrance to the property would be located on the side elevation, facing towards the rear of No.57. Nevertheless, the height of the fencing between the proposed dwelling and the rear of No.57, would limit opportunities for overlooking of the garden and because it would be a three bedroom house, the general day to day use of that door would be relatively limited and would not cause harm to the living conditions of the occupiers of No.57 by way of noise or disturbance. Furthermore, the proposed window on the side elevation of the dwelling would be used in connection with a bathroom and a condition could be used to ensure the window was obscure glazed which would ensure the privacy of the occupiers of No.57 would be protected.
11. Therefore, the proposed dwelling due to its scale and siting would appear overbearing to the occupiers of No.57 Alton Road which would cause harm to their living conditions. Consequently, the proposed development would be contrary to Policy LLP25 which notes that new housing should minimise noise, overlooking and overshadowing/loss of light as well as a number of other matters.

Highway safety

12. The proposed development would provide two off-street parking spaces and would provide the maximum spaces required for a three bedroom dwelling set out in Appendix 2 of the LLP and consequently, the parking for the proposed dwelling would accord with Policy LLP32 of the LLP which requires development to not exceed the maximum standards set out in Appendix 2. Whilst the proposal would result in the loss of the off-street parking for No.59, neither Seymour Road or Alton Road have any parking restrictions and on-street parking is prevalent in the area. As such, it would be possible for the occupiers of No.59 to safely park near to the dwelling and the additional parked cars associated with a single dwelling would be very limited.
13. Consequently, the proposed development would not result in additional on-street parking sufficient to cause unacceptable impact to highway safety nor would the residual cumulative impacts on the road network be severe. Therefore, the proposal would accord with LLP32 of the LLP as well as LLP31 which notes that development should ensure the quality of the local environment is not compromised.

Conclusion and Recommendation

14. The proposed development would not cause unacceptable harm to highway safety, nevertheless, this would not outweigh the harm the incongruous design of the proposed dwelling would have upon the character and appearance of the street scene or the harmful impact the scale and siting of the dwelling would cause to the living conditions of the occupiers of the neighbouring dwelling. Therefore, 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

15. 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.

Chris Preston

INSPECTOR