
Appeal Decision

Site visit made on 24 November 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 17 December 2020

Appeal Ref: APP/B0230/D/20/3253041

23 Regis Road, Luton LU4 0SD

- 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 Nasar Iqbal against the decision of Luton Borough Council.
 - The application Ref: 20/00207/FULHH, dated 13 February 2020, was refused by notice dated 9 April 2020.
 - The development proposed is the erection of two storey side and part rear extension and single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development upon the character and appearance of the surrounding area; and
 - the effect of the development upon the living conditions of the occupiers of the neighbouring property at 21 Regis Road, with particular reference to outlook.

Reasons

Character and appearance

3. The appeal site contains an end-of-terrace house with an area of garden space to the side. This arrangement is reflected at the other end of the terrace. To each side of this terrace is a further terrace of dwellings, each with larger gardens to the side of the end dwelling. On the opposite side of the road is a park.
4. By reason of this layout, the vicinity of the appeal site can be described as having a reasonably symmetrical and open character. Although there would be a set back of the front elevation and reduced ridge height, the proposed development would have a significant height and bulk, which when combined with its footprint and width would take up a significant proportion of the area to the side of the dwelling. In consequence, the development would erode the character of openness that is a feature of this part of the appeal site.

5. This is of concern owing to the current similarity in form between the terrace that the appeal site is situated in and the two neighbouring terraces. As a result, the proposed development would appear discordant.
6. The appeal site currently features some built structures within the area where the proposed extension would be sited and some other nearby properties also feature similar additions. However, these have significantly smaller proportions than the appeal scheme and as such do not have the same effect upon the character and appearance of the surrounding area as the proposed extension would have.
7. These are particularly concerning matters owing to the prominence of the appeal site. The appeal site is located adjacent to the junction between Regis Road and Cedar Close. Although Cedar Close is a cul-de-sac, a pedestrian route to another street is present at the end of the road. Furthermore, the appeal site and the neighbouring terraces are visible from the nearby park.
8. In consequence, the proposed development has the potential to be experienced by a large number and, in result, the adverse effect upon the character and appearance of the surrounding area would be particularly notable.
9. I have been referred to calculations regarding the proportion of the site that would be built upon. Whilst I note that the appeal site would retain a sufficient level of private garden space to enable outdoors recreation to take place, this would not overcome the adverse effects arising from the precise positioning of the proposed extension as previously identified. In addition, the choice of building materials and window and door positions would not overcome the adverse effects arising from the massing and positioning of the proposed development.
10. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan (2017) (the Local Plan). Amongst other matters, these seek to ensure that developments accord with local plan policies; that the scale, mass and design of development are consistent and proportionate to the principal dwelling, the surrounding area and the character of the area; and enhance the distinctiveness of the surrounding area.

Living conditions

11. The appeal site contains an end-of-terrace dwelling. Although the adjoining dwelling, at No. 21, contains a garden of a comparable length, it is narrower in proportions. To the rear of the appeal site and the adjoining property is the side elevation of a house in Cedar Close.
12. By reason of the proportions of the proposed rear extension, it would be visible over the boundary treatments of the site. The height of the extension would also be exacerbated due to the inclusion of a roof lantern within the single storey extension.
13. In consequence, the proposed extension would result in an enclosing effect for the users of the adjoining garden. This is particularly problematic as the proposed extension would be viewed alongside the side elevation of the existing dwelling in Cedar Close. Taken together these structures would have

an overbearing effect on the neighbouring property's garden and would result in diminished levels of outlook for the occupiers of the neighbouring dwelling.

14. This is a cause for concern as the rear garden represents the only area where residents of the dwelling might undertake private outdoors recreation, or activities such as outdoors play. In result, the lack of outlook would be readily apparent.
15. Whilst I am aware that there is currently a conservatory at the appeal site, the appeal scheme has a greater projection from the rear wall of the house, and a different roof shape. In consequence, the proposed development would have differing effects than the existing conservatory. In result, the presence of the conservatory does not allow me to forego my previous concerns.
16. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the neighbouring property. The development, in this regard, would conflict with Local Plan Policies LLP1 and LLP19. These, amongst other matters, seek to ensure that new developments accord with local plan policies; and do not adversely affect the living conditions of neighbouring occupiers.

Other Matter

17. My attention has been drawn to other appeal decisions. However, I note that these developments are situated in different locations and with differing land uses within the vicinity. In addition, these developments are located in areas where there is a greater variety in terms of the design of the surrounding dwellings. In consequence, the circumstances of these developments are notably different to the scheme before me. I therefore do not find that their presence requires me to disregard my previous conclusions.

Conclusion

18. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR