



Appeal Decision

Site Visit made on 15 December 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2020

Appeal Ref: APP/B0230/D/20/3260110
14 Wychwood Avenue, Luton, LU2 7HU

- 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 Ifraz Iqbal against the decision of Luton Borough Council.
 - The application Ref 20/00626/FULHH, dated 4 June 2020, was refused by notice dated 31 July 2020.
 - The development proposed is erection of first floor side, single/double storey rear, single storey front extension and front roof alteration.
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Decision

1. The appeal is allowed and planning permission is granted for erection of first floor side, single/double storey rear, single storey front extension and front roof alteration at 14 Wychwood Avenue, Luton, LU2 7HU in accordance with the terms of the application, Ref 20/00626/FULHH, dated 4 June 2020, and the plans submitted with it, 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: A501; A201; A202; A101 and A102;
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the northern and southern flank elevation.
 - 4) 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.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the dwelling; and
 - the living conditions of 12 Wychwood Avenue, with particular reference to outlook.

Reasons

Character and appearance

3. Wychwood Avenue is a residential street comprising linear rows of semi-detached dwellings which have a uniform appearance with gable ends. The uniformity contributes strongly to the overall character of the area. 14, 16 and 18 are unique within the street as three detached dwellings which are more modern in their appearance. These dwellings are incongruous within the street scene, juxtaposed with the uniformity of the street and do not add to the overall character and appearance of the area.
4. The proposed alterations would introduce gable end first floor extensions on the front elevation, which would echo the design of the neighbouring semi-detached dwellings. The use of vertical boarding has also been included to replicate the design and character of the dwellings within Wychwood Avenue.
5. The front of the extensions would be set back from the ground floor of the host dwelling and the gable of the extensions would have a lower roofline. In these ways the proposal would be subservient to the host property. Furthermore, use of matching materials, which could be secured by condition, would be in keeping with the host dwelling.
6. The proposed first floor rear extension would project beyond the rear elevation by more than 3m and extend along the width of the dwelling. Taking into account the existing single storey rear extension, the addition of a first floor extension whilst larger than that which currently exists would still be subservient to the main dwelling having regard to the depth of the existing gardens and the use of the double hipped roof which would minimise its overall scale.
7. The overall increase as a result of the rear extension would not be of a scale which leads to any harm to the prevailing rhythm, character or appearance of this group of properties, which sit within relatively spacious gardens. Nor would the proposal be out of character with the host building having regard to its use of matching materials, which would respect the broader local context.
8. Overall, these changes represent a well designed and modern updating of the property that would improve the character of the existing dwelling, by better reflecting the predominant pattern of development within the area.
9. In conclusion, there would be no harm to the character and appearance of the host dwelling and the surrounding area. The proposal complies with policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2011-2031 (LP) which sets out the presumption in favour of sustainable development and seek to ensure high quality design which is consistent with the character of the surrounding area.

Living Conditions

10. The proposed first floor extension would be constructed on the boundary with 12 Wychwood Avenue. On the rear elevation this would be above the existing single storey extension which projects beyond the rear elevation of no. 12. The modest depth of first floor development adjacent to the boundary would not have a significant enclosing effect on next door's outlook from their garden or rear windows, having regard to the impact of the existing dwelling which already projects beyond the rear elevation of no. 12.

11. As such, the proposal would not harm the living conditions of the occupants of the most relevant neighbouring property with regard to outlook. The proposal would not have an overbearing impact, and nor would it lead to a sense of enclosure. It complies with policies LLP19 and LLP25 of the LP, which seek to protect the amenity of nearby occupiers in respect of visual intrusion and provide high quality design which minimises adverse impact on amenity.

Conditions

1. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance. I have imposed conditions to ensure that the proposal is built in accordance with the approved plans to provide certainty and that seek to safeguard the character and appearance of the area. I have also imposed a condition to restrict the insertion of additional windows to ensure the privacy of neighbouring occupiers is maintained.

Conclusion

2. For the reasons given above I conclude that the appeal should be allowed.

G Pannell

INSPECTOR

