



Appeal Decision

Site visit made on 5 March 2021

by Euan FS Pearson BA(Hons) BTP FRGS MRICS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2021

Appeal Ref: APP/B0230/D/20/3263512

4 Clifford Crescent, Luton LU4 9HR

- 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 Lukasz Posim against the decision of Luton Borough Council.
 - The application Ref 19/01419/FULHH, dated 23 October 2019, was refused by notice dated 2 October 2020.
 - The development proposed is “conservatory”.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the proposal on i) the living conditions of neighbouring occupiers, and ii) the character and appearance of the existing building and surrounding area.

Preliminary Matter

3. I observed during my site visit that the development has been substantially completed making the application retrospective and I have dealt with it on that basis. This also allowed me a fuller appreciation of the effect on the appeal property and surroundings.

Reasons

Living conditions

4. The appeal property is a semi-detached dwellinghouse with a small single-storey extension to the rear that forms part of the boundary with the neighbouring property at No. 2. A further single-storey extension, 4m long, of a similar width and height, has been added onto this.
5. This has resulted in conjoined extensions, protruding around 6.5-6.75m beyond the rear elevation, and creating a lengthy façade, to a height of circa 2.4m, along the boundary with No. 2. This results in both: a denigrated outlook from downstairs rear windows at No. 2 and an increased sense of enclosure.

6. The proposed ground floor plan on drawing A101 shows a triple pane window in this façade allowing unfettered views into the rear garden of No. 2. This compromises the privacy of neighbouring occupants, to a significant degree, causing unacceptable harm. I note that this boundary has an existing fence intended to avoid this. The appellant states that inclusion of this window on the drawing is an error, as it is not shown on the proposed (north) side elevation on drawing A101. However, no amended drawing was submitted for my consideration.
7. Therefore, the development conflicts with Luton Local Plan 2011-2031 (2017) policy LLP19. Among other things this requires that extensions to dwellings do not adversely affect the amenity of nearby occupiers by loss of privacy.

Character and appearance

8. The depth of the original dwellinghouse is around 7.5m. The conjoined extensions are, therefore, of an excessive mass, projecting at least 6.5m beyond this, thus enlarging the footprint of the original dwellinghouse by almost 60%.
9. There is a single storey outbuilding in the rear garden of the appeal property, on the boundary with No. 6, as shown on the location plan on drawing A101. This is side-by-side the proposed extension with only a narrow passage separating them.
10. The conjoined extensions are not diminutive, and taken with this outbuilding, would result in a scale of development that would significantly impact on the character and appearance of the appeal property. I consider that these overwhelm the appeal property causing harm. The development is not visible from the public realm, however, the presence of such large extensions is not widespread, resulting in similar harm to the surrounding area, compromising the pattern of plot density.
11. The new extension carries a flat clear PVC corrugated roof. This represents an incongruous roof form/use of material having regard to the paired dwellinghouses (No. 2 and 4), and neighbouring properties, generally. The appellant has suggested that roofing material can be changed by imposition of an appropriately worded condition. Notwithstanding this, this would not overcome the issue of the flat, linear roof form.
12. Therefore, the development conflicts with policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2011-2031 (2017). Among other things, these require a high standard of design, including extensions that are proportionate to the original building, that respect local context and maintain or improve the appearance and character of the area. Similarly, creating high quality buildings and places is fundamental to sustainable development as set out in the National Planning Policy Framework 2019.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Euan FS Pearson

INSPECTOR