



Appeal Decision

Site Visit made on 1 June 2021

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 9th June 2021

Appeal Ref: APP/B0230/D/21/3269963

27 St. Augustine Avenue, Luton LU3 1QD

- 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 Ali Shaan against the decision of Luton Borough Council.
- The application Ref 20/01601/FULHH, dated 14 December 2020, was refused by notice dated 12 February 2021.
- The development proposed is erection of single storey rear/side extension.

Decision

1. The appeal is allowed and planning permission is granted for erection of a single storey rear/side extension at 27 St. Augustine Avenue, Luton LU3 1QD in accordance with the terms of the application, Ref 20/01601/FULHH, dated 14 December 2020, 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: 01/04, 02/04, 03/04 and 04/04.
 - 3) 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.
 - 4) Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or of the Town and Country Planning (General Development) Order, 2015, (or any Order revoking and re-enacting that Order with or without modification) no additional window openings shall be fitted in the flank elevation of the building without the prior permission of the local planning authority.
 - 5) Full details of a bin store area shall be submitted to and approved by the local planning authority. The approved details shall be installed prior to occupation of the extension hereby permitted and maintained for as long as the extension remains in existence.

Preliminary Matters

2. While I note the description of development stated in the appeal form, since the proposal extends to the rear of the existing building as well as the side, I have used the description from the application form in the decision above.
3. Notwithstanding the names stated in the application form and appeal form, the appellant has confirmed that the correct name and spelling is as stated in the header above.

Main Issue

4. While I note the two reasons for refusal, given the wider evidence, the main issue is the effect of the proposed development on the character and appearance of the host building and surrounding area.

Reasons

5. The site is located in a prominent position on the corner of St Augustine Avenue and St Lawrence Avenue, both of which are residential streets with primarily two storey dwellings in a traditional style such that the area has a pleasant feel. The site is a long rear garden that provides a spacious aspect to the character and appearance of the area.
6. The proposal for a single storey side and rear extension would have a shallow pitched roof and a modest height such that it would not visually dominate the host building or appear incongruous in terms of composition.
7. I note that the site benefits from planning permission for a rear extension and that the proposal would be located in close proximity to the highway boundary. However, since there is an existing single storey side extension and a significant depth of garden would remain undeveloped, the proposed massing which would extend the side portion to the rear would not appear unduly prominent given its modest height and shallow pitched roof. Therefore, while the scheme would be visible from the surrounding area, it would not unduly diminish the spacious aspect provided by the site, particularly when viewed from St Lawrence Avenue which slopes down away from the junction.
8. Consequently, the proposed development would not harm the character and appearance of the host building and surrounding area. Therefore, the proposal would not conflict with Policies LLP19 and LLP25 of the Local Luton Plan 2011-2031 November 2017 (LP), which require, among other things, that extensions to dwellings are consistent with and proportionate to the principle dwelling and character of the area and seek buildings of high quality design.
9. Since LP Policy LLP1 relates to the presumption in favour of sustainable development, it is not directly relevant to this main issue.

Other Matters

10. I acknowledge the evidence regarding the needs of a disabled occupant. I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. For the reasons given above I have found the proposal to be acceptable and this matter has not altered my overall decision.

Conditions

11. The conditions relating to the commencement of development and specifying plans are necessary in the interests of certainty. The conditions relating to materials and bin storage are also necessary to safeguard the character and appearance of the area.

12. The condition relating to additional openings in the flank elevation is necessary to safeguard the living environment of the current and future occupiers.
13. Since conversion of the building to separate dwellings would require planning permission, the suggested condition relating to the use of the site as a single-family dwelling is not necessary.

Conclusion

14. For the reasons given above the appeal should be allowed.

R Sabu

INSPECTOR