The Planning Inspectorate

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: 29 June 2021

Appeal Ref: APP/B0230/D/21/3266740
63 Copthorne, Luton LU2 8RL

- 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 & Mrs Sheaf against the decision of Luton Borough Council.
- The application Ref 20/01303/FULHH, dated 20 October 2020, was refused by notice dated 15 December 2020.
- The development proposed is ground floor extension with part two storey over.

Decision

1. The appeal is allowed and planning permission is granted for ground floor extension with part two storey over at 63 Copthorne, Luton LU2 8RL, in accordance with the terms of application Ref 20/01303/FULHH, dated 20 October 2020 and subject to the following conditions:

   1) The development hereby permitted shall begin no later than 3 years from the date of this decision.

   2) The development herby permitted shall be carried out in accordance with drawing No. 20-1002-P-01 Rev C.

Applications for Costs

2. Applications for costs have been made by: Mr & Mrs Sheaf against Luton Borough Council; and by Luton Borough Council against Mr & Mrs Sheaf. These applications are the subject of separate Decisions.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the existing building and the surrounding area.

Reasons

4. The appeal property is a two-storey detached dwellinghouse at the end of Copthorne, a cul-de-sac, on a shared private access with 65 Copthorne, overlooking parkland. The appeal property has been constructed in brick with pitched roofs. The neighbouring property at No. 65 is similar and includes mock Tudor features on the front elevation.

5. The appeal proposal consists of a part single storey, part two storey ground extension to the north-west side elevation of the appeal property, including mock Tudor features. From the evidence before me, the ground floor element of the proposal has already been granted planning permission by the Council[1]. Consequently, I have concentrated on the first-floor element, including the cumulative impact of the extensions.

6. The first-floor extension would be clearly visible from the public realm given its location fronting the street. However, the limited size of the first-floor element, combined with its aligned pitched roof, well below the ridge line, would be diminutive and not incongruous; even taken together with the approved ground floor extension. Accordingly, the proposed development would not appear cramped, nor would it constitute overdevelopment, having regard to the available space within the curtilage of the appeal property. Furthermore, the scale of the proposal would have little impact on the openness of the area due to the adjacent parkland.

7. The use of the proposed finishing materials, including brickwork, dark stained wooden boarding, and ivory panelling, to create a mock Tudor effect on the upper floor, is both proportionate and appropriate. This relates to the original architectural style of the appeal property and the design of other properties in the area. This also adds some design relief and interest to the gable.

8. The Council considers that the proposal would set a precedent for future decisions. However, individual applications are considered on merit, in accordance with the development plan, unless material considerations suggest otherwise.

9. Accordingly, I conclude that the proposed development would not significantly impact on visual amenity and thus not harm the character and appearance of the appeal property and surrounding area.

10. Therefore, the proposal complies with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2011-2031 (2017). Among other things, these require the scale and design of residential extensions to complement the local surroundings and existing buildings. Similarly, creating high quality buildings and places is fundamental to sustainable development as set out in the National Planning Policy Framework (the Framework).

Conditions

11. I have considered the need for conditions against the advice on conditions set out in the Framework and the Planning Practice Guidance. I have imposed standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty and to protect the character and appearance of the area.

12. The Council has suggested other conditions relating to new flank windows, occupancy of the property and the use of matching materials. However, no harm would result should an additional flank window be inserted into the extension subject to this appeal, and the appeal property is in use as a single dwelling. Therefore, such conditions would be unnecessary.

[1] Reference 20/00975/FULHH

13. In respect of the matching materials condition, the development includes dark stained wooden boarding, and ivory panelling which are not features of the appeal property. Therefore, a condition requiring matching materials would be inappropriate. Furthermore, the plans specify matching brickwork and roof tiles.

Conclusion

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

Euan FS Pearson

INSPECTOR