



Appeal Decision

Site Visit made on 30 June 2021

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2021

Appeal Ref: APP/B0230/D/21/3271491

41, Wingate Road, Luton LU4 8PP

- 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 J Vyas against the decision of Luton Borough Council.
 - The application Ref 21/00143/FULHH, dated 28 January 2021, was refused by notice dated 12 March 2021.
 - The development proposed is erection of a conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a conservatory at 41, Wingate Road, Luton LU4 8PP in accordance with the terms of the application, Ref 21/00143/FULHH, dated 28 January 2021, 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: Existing Plan and Elevations Drawing No: 01/02; Location and Block Plan Drawing No: 03/03; and Proposed Plan and Elevations Drawing No: 02/03.
 - 3) The brickwork and joinery to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The Council suggested that I visit the neighbouring property, 43 Wingate Road in order to assess the proposal from within that site. I wrote to the occupier of this property in this regard and I was provided with access to the rear garden area at the time of my visit to the appeal site. I am satisfied that I was able to clearly view the relationship between the two properties and that no party has therefore been prejudiced in the determination of this appeal.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the host property, 41 Wingate Road (No 41), and the area; and (ii) the living conditions of the occupiers of 39 and 43 Wingate Road (No 39 and No 43) with particular regard to daylight and sunlight and outlook.

Reasons

4. No 41 is the middle property of a terrace of three, two story dwellings. The proposal seeks the erection of a conservatory to the rear of an existing part two and part single storey rear extension. The proposed development would extend some 3 metres back from the existing rear elevation, resulting in an overall single storey projection of some 9 metres from the original rear elevation. The conservatory would be built up close to the shared boundary with No 39 and there would be a slightly larger step-in from the shared boundary with No 43.
5. The original design and character of the appeal dwelling, and its wider terrace, has already been changed by several alterations and extensions, such that no particular architectural character prevails. No 39 hosts a two storey, rear facing gabled projection and No 43 a single storey extension, projecting approximately 6 metres. This covers about half the width of the rear elevation and is situated away from No 41. A patio area is located between that extension and the boundary with the appeal site.
6. The flat roof of the conservatory would sit below the eaves of the hipped roof of the existing single storey element of the host building. The amount of glazing and the flat roof design of the proposed conservatory would result in a visually lightweight structure, the overall massing of which would sit comfortably within the context of its surroundings. The brick work and UPVC elements could be required by condition to match those of the existing building, thus ensuring minimal visual impact.
7. The proposal would, because of its proposed mid-terrace position, be separated from the street scene by intervening features, in particular the boundary wall and outbuilding of No 39 and the western boundary fence of the appeal site. It would not, therefore, be prominent in the street scene or result in any significant loss of openness to the surrounding area.
8. There would be some further enclosure of No 43's patio area. However, because of the position of the proposed development in relation to No 43 and to the path of the sun, together with the height of the proposal, level of glazing and the intervening boundary fence, its effect with regard to daylight and sunlight, and outlook would be minimal, and would not cause unacceptable harm to the living conditions of the occupiers of No 43.
9. The proposal would extend development alongside the shared boundary with No 39. This property has a significantly shorter garden than the appeal site. A flat roofed outbuilding is situated across the extent of the end of the garden which further reduces the available garden space. Even considering this context, and the relationship between the proposal and the path of the sun and the rear of No 39, I am satisfied that the design, scale and massing of the conservatory, with an intervening feature of a shared boundary fence, indicate that the proposal could be accommodated without causing harmful visual intrusion or any significant loss of light such that the living conditions of the occupiers of this neighbouring property would not be unacceptably harmed.
10. For the above reasons, I conclude that the proposal would not result in a harmful effect on the character and appearance of the host property or the area and would not have an unacceptable effect on the living conditions of the occupiers of Nos 39 and 43, with particular regard to daylight and sunlight and

outlook. Thus, the proposal would accord with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2017 which together seek to ensure that new development does not harm the character and appearance of the area or residential amenity. For the same reasons the proposal would adhere to the guidance contained within the National Planning Policy Framework.

Conditions

11. In addition to the standard time limit condition, it is necessary to impose a condition specifying the approved drawings as this provides certainty. In order to protect the character and appearance of the host property and the area, the Council's suggested condition relating to materials shall be imposed, albeit in a modified form.

Conclusion

12. For the reasons given above the appeal is allowed.

S Tudhope

INSPECTOR

