

Appeal Decision

Site visit made on 25 June 2021

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State.

Decision date: 13 July 2021.

Appeal Ref: APP/B0230/W/21/3272000

64 Dordans Road, Luton LU4 9BS

- 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 Khan against the decision of Luton Borough Council.
 - The application, Ref 21/00063/FULHH dated 18 January 2021, was refused by notice dated 18 March 2021.
 - The development proposed is described as a 'single storey outhouse building with dormer conversion consisting of summer house and games room'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form describes the proposed development as shown in the banner heading above. The local planning authority (LPA) describes it in its decision notice as for the '*erection of rear outbuilding to include summer house, store, workshop on ground floor and games room at first floor level*'. I have determined the appeal on the basis of the latter description as it more accurately describes the proposal.

Main Issue

3. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

4. The appeal property is a two-storey, detached dwelling and where a third storey is currently under construction.
5. The rear amenity space is contained by brick walls which vary in height from approximately 2 metres to 3.5 metres. Running down the length of one side is a commercial building with windows overlooking the appeal property's rear amenity space, though the proposed outbuilding would not lie directly in front of them. On the other side is a dwelling with a dormer facing the existing host property and with a window in its gable at first floor level. The proposed two storey outbuilding would extend across the full width of the rear amenity space and adjoining its rear wall.

6. The proposed development would not be seen from any public vantage point and would adjoin the commercial premises of a comparable height. In addition, it would not be as high as the host property, especially when the latter's additional floor is completed.
7. Nevertheless, excepting for the adjoining commercial building, the rear of the surrounding dwellings are generally devoid of large structures and the proposed outbuilding, by its size and height, would appear incongruous in its setting when viewed from the adjoining dwelling and from the host property itself.
8. I therefore find that the proposed development would adversely affect the character and appearance of the area. Consequently, I conclude that it would not accord with the design requirements of policies LLP1, LLP19 and LLP25 of the adopted Local Luton Plan 2017, or with paragraph 127 of the National Planning Policy Framework which stresses the need for development to add to the overall quality of an area.

Other Matters

9. While the appellant refers to many other similar developments in surrounding streets, I have not been made aware of any in particular. In any event, I have determined the application upon its impact on the character and appearance of its immediate surroundings and where, on my site visit, I found no similar sized outbuildings.
10. The appellant has referred to a previously approved application for a two-storey outbuilding in 2001, but I have no other information before me. In any event, the approval would have been determined prior to the adoption of the current development plan for the area and also prior to other changes to planning legislation. I have determined the application for the current proposal when assessed against the current development plan.
11. These matters do not outweigh my findings on the main issue.

Conclusion

12. For the reasons outlined above, I conclude that the development does not accord with the development plan for the area taken as a whole and there are no material considerations to indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

Steven Hartley

INSPECTOR