
Appeal Decision

Site visit made on 29 June 2021

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th July 2021

Appeal Ref: APP/B0230/D/21/3273120
189 New Bedford Road, Luton LU3 1LJ

- 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 Kabir Khan against the decision of Luton Council.
 - The application Ref 20/01596/FULHH, dated 20 December 2020, was refused by notice dated 15 February 2021.
 - The development proposed is erection of two storey side extension and single storey side/rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description.

Main Issues

3. The main issues are the effect of the proposed development on:
 - (i) the character and appearance of the host property and the area, and
 - (ii) the living conditions of the occupiers of the neighbouring property at No. 191 New Bedford Road with particular regard to light and outlook.

Reasons

Character and appearance

4. The appeal property at No. 189 New Bedford Road (No. 189) is a two storey detached dwelling located in a mature well-established residential area. New Bedford Road is characterised by detached and semi-detached properties of different styles and design set back from the road within spacious landscaped plots that provides an open and verdant character in the area. No. 189 has a traditional two storey gable projecting from the front of the property with a bay window and a tiled gabled roof.
5. The appeal proposal would entail the construction of a part two storey/part single storey side extension built up to the common shared side boundary. The

two storey extension would extend across the full width of the house with a hipped roof and a first floor front bay window with small gabled roof. The single storey flat roofed side/rear extension would project out broadly in line with the existing rear elevation of the main house.

6. The appeal property is on a relatively spacious plot and as such the extensions would not appear overlarge, relative to the overall plot size. The single storey extension would be seen in the context of the current varied architectural styles at the rear of the host property and the surrounding properties. Against this backdrop, the scale, form and siting of the proposed single storey side/rear extension would not look significantly out of place or excessive in relation to the built form of the host property and the adjacent properties.
7. Equally, the closing of the gap between Nos. 189 and 191 would not appear out of character. From my site visit I noted a number of properties in the road appear to have been built to the side boundaries or in close proximity to such. The reduced space between the extended house and adjacent property would be offset to some degree by the open parking area and mature landscaping along the frontage of the appeal property.
8. The scale and form of the proposed two storey side extension built in line with the front of the main house would nevertheless still be a significant addition relative to the main property. As such, although it would be constructed with a front bay window with small gabled roof to replicate the existing two storey gabled frontage, the proposed side extension would result in substantial bulk at the side and over the main dwelling that would be out of character with the more modest traditional form and appearance of the host building.
9. These shortcomings would be exacerbated by the proposal's prominent position, where the proposed side extension would be visible from a number of public vantage points along New Bedford Road. The proposed two storey side extension, by virtue of its scale, siting and design, would fail to achieve an appropriate degree of subordination to the host property and would detract from its architectural integrity. As such, I consider that the proposed side extension would result in an incongruous and out-of-keeping addition that would cause unacceptable harm to the host property and the area.
10. I have considered the appellant's arguments that the design and layout of the proposed development have been carefully considered in order to minimise any adverse impacts on the host property and the area. However, whilst the use of matching materials and fenestrations together with the landscaping and the boundary treatment would assist in integrating the proposal with the host property and the area, these aspects do not overcome the adverse effects outlined above.
11. Consequently, I conclude that the proposal would result in harm to the character and appearance of the host property and the area. It would be contrary to the overall aims of Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2017 (LP) which, amongst other things, require development proposals, including extensions, to be of a high quality design that improve or enhance the distinctiveness and character of the area. In addition, the proposal would not accord with the National Planning Policy Framework (the Framework) that developments should seek to secure a high quality of design (paragraph 124) that are sympathetic to the local character (paragraph 127).

Living conditions of the occupiers of the neighbouring property

12. The proposed part two storey/part single storey side extension would be built up to the common shared side boundary with the adjacent semi-detached property at No. 191 New Bedford Road (No. 191), to the north of the site. The adjacent property, at No. 191, has a single storey rear extension with a small patio area leading out to an enclosed garden area at the rear. No. 191 is set back and separated from the appeal site by a detached garage, small patio area, high brick wall and mature vegetation running between the properties.
13. The appellant has submitted a daylight and sunlight assessment in accordance with BRE Guidelines¹ to examine the impact of the proposed development. The assessment shows that the loss of daylight and sunlight to the windows and garden area at No. 191 would be within the permitted limits as set out in the BRE Guidelines. Given the overall design and layout of the part two storey/part single storey side extension together with the separate distance between the buildings, I consider that the side extension would not result in significant loss of available light to the main habitable rooms at the side and garden at the rear of No. 191.
14. Whilst I accept that there would be some impact from the development, given the overall height and design of the single storey flat roofed side/rear extension, together with the boundary treatment and the separation distance between the properties, I consider that the single storey extension would not significantly dominate the views to cause an overbearing effect and an unacceptable sense of enclosure from the windows and garden at the side and rear of No. 191. However, this is not a determinative factor on its own.
15. The two storey side extension would result in a long two storey projection running parallel with the common shared boundary and the small patio/sitting out area at the side of No. 191. The occupants of No. 191 would use this area to carry out leisure and household activities when relaxing and sitting out, particularly during the summer months.
16. Given the overall scale and siting of the proposed two storey side extension and the separation distance between the properties, I consider that the proposed two storey extension would introduce a dominant and enclosing structure in close proximity to the common shared boundary and the small patio area at the side and to a more limited extent the garden area at the rear of No. 191. This, in my view, would significantly dominate the views to cause an overbearing effect and an unacceptable loss of outlook for the occupiers of No. 191. I therefore consider that the proposal would result in a poor quality living environment and an unacceptable change in the living conditions for the occupiers of the neighbouring property.
17. Consequently, I conclude that the proposed two storey side extension would result in unacceptable harm to the living conditions of the occupiers of the neighbouring property at No. 191 New Bedford Road with particular regard to outlook. It would be contrary to Policies LLP1, LLP19 and LLP25 of the LP which seek, amongst other things, to ensure that development, including extensions, create quality places that do not adversely affect the amenity of nearby occupiers. In addition, it would not accord with the Framework that

¹ Building Research Establishment (BRE) – Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice

development should seek to create places that promote health and well-being, with a high standard of amenity for existing and future users (paragraph 127).

Other Matters

18. I have noted the other developments in the area drawn to my attention by the appellant. However, the extension approved at No. 187 New Bedford Road has different development characteristics to the appeal scheme. The varied house styles and extensions to the properties in the area relate to a different scale and form of development and have different locational characteristics. In any event, each proposal falls to be assessed primarily on its own merits and I am unaware of the full circumstances associated with these other cases. I therefore accord them limited weight as precedents in this case.
19. I have considered the appellant's arguments regarding the extensions that can be built on a dwellinghouse under General Permitted Development Rights. Whilst this may be so, this does not set a precedent for such an inappropriate development in this location for the reasons set out above.
20. I note the appellant's comments about the context provided in the Framework for innovative and good design but I find that the proposed development does not achieve the standards the Framework seeks.
21. I have considered the appellant's comments regarding the lack of formal objections from the neighbours or third parties to the appeal proposal. Whilst this maybe so, this does not preclude the proper planning assessment of the impact of the proposal on the host property and the area and is not a determinative factor on its own.
22. The appellant considers the proposal would constitute a sustainable form of development in line with the requirements of the Framework. I have considered the various benefits put forward by the appellant that the proposal would bring including the scheme's high quality design and providing additional accommodation to meet the needs of the appellant's family. While I have given them some weight, these benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

23. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR