



Appeal Decision

Site visit made on 3 August 2021

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2021

Appeal Ref: APP/B0230/W/20/3263826
832-834 Dunstable Road, Luton LU4 0HG

- 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 Paul Mair against the decision of Luton Council.
 - The application Ref 20/00531/FUL, dated 08 May 2020, was refused by notice dated 07 August 2020.
 - The development proposed is erection of first floor side and two storey rear extension with Juliet balcony and extension to existing storeroom on ground floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description I have used above is taken from the appeal form and the Council's decision notice as that describes the development more comprehensively than the description given on the application form.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021, after the Council had determined the application. I am required to consider this appeal based on the current Framework. The policies of the Framework that are material to this appeal have not changed fundamentally. As such, it is not necessary to revert to the parties further.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the occupants of 832 Dunstable Road with particular reference to outlook.

Reasons

Character and Appearance

5. The appeal site is located at the corner of Dunstable Road and Byron Road. It comprises ground floor commercial premises with residential accommodation above. 834 Dunstable Road has a main gable ended pitched roof that is mirrored by the attached dwelling at 832 Dunstable Road. No 834 has been

extended with a pitched roof rear dormer and a single storey flat roofed extension that wraps around the property to the side and rear. The surrounding area is predominantly residential, with a mix of detached, semi-detached and terraced dwellings. Commercial properties with single storey extensions are also located at the corners of Hayhurst Road and Dunstable Road to the south of the site. The site, by virtue of its corner location, is prominent in public views from both Dunstable Road and Byron Road.

6. Whilst the flat roof extension of no 834 has somewhat reduced the symmetry of the property with no 832, a pleasing symmetry and balance, particularly when viewed from Dunstable Road, remains. The proposed side extension would not be set back from the front elevation, nor would it be set down from the existing roof's main ridge line. The lack of a design break or visual subordination between the existing property and the extension would harm the symmetry, architectural integrity and appearance of nos 834 and 832 when viewed together in the street scene. Furthermore, the lack of set back of the extension from Byron Road would result in an unduly dominant addition at first floor level in comparison to the set back of other buildings along the eastern side of Byron Road. These factors would cause material harm to the character and appearance of the area.
7. As such, the proposal would not accord with the Policies LLP1 and LLP25 of the adopted Local Luton Plan (2017) which taken together, require, amongst other things, development to be of high quality design that responds positively to the townscape and street scene. The proposal would also fail to accord with section 12 of the Framework which requires development to be sympathetic to local character.

Living Conditions

8. The existing flat roofed ground floor extension to the rear of no 834 is proposed to be extended by 1.8 metres in width, and a first floor extension would project a depth of 3 metres to the rear. The single storey rear extension would be set off the common boundary with no 832 and would be separated from the adjoining property by a high closed boarded fence. As such, the single storey extension wouldn't result in an unacceptable loss of light or outlook to the occupants of no 832.
9. The first floor extension would be set off the common boundary with no 832 so as to not breach a 45 degree angled line taken from the centre of the nearest first floor bedroom window of no 832. The limited projection of the first floor rear extension in combination with its set off from the common boundary is sufficient to ensure appropriate outlook and levels of light to the occupants of no 832.
10. As such, the proposal would not unacceptably harm the living conditions of the occupants of no 832. I do not, in this specific regard, find conflict with either Policies LLP1 and LLP25 of the adopted Local Luton Plan (2017) or the Framework.

Other Matters

11. I have had regard to the other extensions in the locality drawn to my attention by the appellant. The extension at 836 Dunstable Road is set down and set back from the original dwelling and 1 Byron Road is a detached dwelling.

They are, therefore, not comparable with the scheme before me. I also note that permission has previously been granted for a first floor extension at 799 Dunstable Road but that the consent was not implemented. However, I do not have full details of that scheme and so cannot be certain that the circumstances are the same. In any case I have considered the appeal proposal on its own merits.

Conclusion

12. The development would not accord with the development plan for the area when taken as a whole, and there are no material considerations that indicate that a decision should be made other than in accordance with it.
13. For the above reasons, the appeal is dismissed.

S D Castle

INSPECTOR