



Appeal Decision

Site visit made on 8 June 2021 by Thomas Courtney BA(Hons) MA

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021

Appeal Ref: APP/B0230/D/21/3268446

7 Oakley Road, Luton, LU4 9PT

- 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 A. Hussain against the decision of Luton Borough Council.
 - The application Ref 20/01489/FULHH, dated 28 November 2020, was refused by notice dated 25 January 2021.
 - The development proposed is the erection of a single and two storey side extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. In the interest of accuracy, the description of development used in the header above is based on that used on the Council's decision notice.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (NPPF). Accordingly, and in light of the reference made to the previous iteration of the NPPF within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised NPPF. However, in light of this re-consultation, I am satisfied that any references made to the revised NPPF within this decision would not be unreasonable to the parties.

Main Issues

5. The main issues are:
 - the effect of the development on the character and appearance of the host dwelling and surrounding area; and
 - the effect of the development on the living conditions of the neighbouring occupiers of 5 Oakley Road, with particular regard to a loss of light and outlook.
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Reasons for the Recommendation

Character & Appearance

6. The appeal site accommodates a two-storey detached dwelling located in an established residential area characterised for the most part by semi-detached two-storey properties, although there are also a number of detached bungalows in the vicinity. The host dwelling features two double-storey projecting bay windows to the front as well as a single storey rear extension. There is also a side garage attached to the southern side flank of the dwelling, which abuts the common boundary with the neighbouring property at No.5 Oakley Road.
7. The proposed development would represent a significant increase in built form at first floor level. Though I note the proposed bay windows and materials would be broadly sympathetic to the existing design details of the dwelling, the proposed first and two-storey side extension would be unduly excessive in its scale and would not appear as a subordinate or proportionate addition in light of its considerable width and height. It would fail to harmonise adequately with the scale of the host dwelling.
8. The appeal property lies within a generous plot with a noticeably wide visual gap at first floor level with the neighbouring property to the south at No.5. This serves to give this part of Oakley Road a spacious sense of character. The proposed double-storey side extension would entirely infill this visual gap and despite the front boundary hedge, would reduce the sense of spaciousness which the plot contributes within the streetscene. Due to its excessive height, width, bulk, position on the common boundary and proximity to the neighbouring dwelling, the side extension would constitute a dominant and incongruous addition. It would create a cramped appearance to the front elevation of the appeal property which would adversely impact the street scene.
9. Given the above, I therefore find the proposal would result in an incongruous form of development that would unacceptably harm the character and appearance of the host dwelling and surrounding area. The proposed development would therefore conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan and the National Planning Policy Framework (NPPF) which together seek to ensure extensions are designed to the highest standard, respect local context, and are proportionate to the principal dwelling and surrounding streetscape.

Living Conditions

10. The proposed side extension would have a considerable width and height and would abut the common boundary with the neighbouring property at 5 Oakley Road. It would appear particularly obtrusive and overly dominant from the neighbouring bedroom window which is situated within the flank elevation directly facing the appeal property. The development would thus result in a significant adverse impact and unacceptably reduce the neighbouring occupiers' outlook and, due to the orientation of the buildings, the amount of light received within the bedroom. I therefore find the development would adversely impact the living conditions of the occupiers of 5 Oakley Road with regards to a loss of outlook and light.

11. Given the above, the development would conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan and the National Planning Policy Framework (NPPF) which together seek to ensure developments are well-designed and do not adversely affect the amenities of adjoining occupiers.

Other matters

12. My attention has been drawn to a development at 53 Oakley Road, to the north of the appeal site. However, it appears smaller in scale than the appeal proposal and does not have the same impact on the host dwelling, as it appears subordinate in design. It is not therefore comparable to the scheme before me and I do not attribute any positive weight to this point.
13. I have also acknowledged that the proposal would benefit the living conditions of the existing occupiers and maintain adequate rear amenity space and parking, although this would not outweigh the harm I have identified.

Recommendation

14. The development would have an adverse impact on the character and appearance of the host dwelling and surrounding area and would negatively affect the living conditions of the neighbouring occupiers at 5 Oakley Road with regards to a loss of light and outlook. The proposal would conflict with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan.
15. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR