



Appeal Decision

Site visit made on 16 August 2021

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021.

Appeal Ref: APP/B0230/D/21/3274263

448 New Bedford Road, Luton, LU3 2BA

- 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 Mrs Gulnaz Kiyani against the decision of Luton Borough Council.
 - The application Ref:21/00055/FULHH, dated 14 January 2021, was refused by notice dated 1 April 2021.
 - The development proposed is erection of two storey side/rear and single storey rear and front extension, including canopy with two pillars over front entrance and roof alterations, with front/side boundary walls, railings, and gates.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application site was granted permission for the erection of two storey side/rear and single storey rear extension including canopy with two pillars over front entrance and roof alterations, with front/side boundary walls, railings and gates on 24 October 2018.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the building and the street scene and,
 - the effect on the living conditions of neighbours in respect of outlook and loss of light.

Reasons

Character and appearance

4. The appeal building is a large, detached house with a substantial rear garden. It is situated within a row of detached dwellings of varying form and design.
5. The proposal would represent an increase in the size of the building as a result of additional extensions to the front and rear. However, the scale and massing of the resultant dwelling would only be marginally greater than that proposed in the extant permission. The proposed front single storey extensions at either side of the building would differ in form. The extension near the boundary with No.450 New Bedford Road having a monopitch roof, with the other extension

having a flat roof. This would unbalance the appearance of the front elevation of the building. I consider that the lack of symmetry to the front elevation of the building would not represent good design and for that reason the proposal would conflict with Luton Local Plan 2011-2013 policy LLP19 regarding extensions to dwellings and LLP25 concerning high quality design. It would also conflict with the design objectives of the National Planning Policy Framework (the Framework).

Living conditions

6. The adjacent property of No.444 New Bedford Road has a rear conservatory near to the boundary of the rear garden of the appeal building. There is a high hedge along the boundary between the two properties. This would already reduce the outlook from the conservatory and amount of received daylight. The proposed rear extension would extend across the full width of the appeal building. However, there would be a gap between the extension and the side boundary with No.444. The extension would have a flat roof, and in view of the boundary hedge, and position of the conservatory to the south of the proposed rear extension, I consider that any increase in loss of light or outlook for the occupants of No.444 would not be significant.
7. The front elevation of the other adjacent dwelling of No.450 New Bedford Road is set back from the general building line along this part of the road. The dwelling has a ground floor window near to the boundary with the appeal site which serves a lounge.
8. The appellant's grounds of appeal advise that the appeal dwelling already sits forward of the front elevation of No.450 and there is an extant permission for a front extension that also projects forward of that neighbouring property. Despite this, the proposal would result in the appeal building being extended further forward near the boundary with No.450 than the permitted scheme. The appeal building is located to the south of No.450. The appeal scheme would therefore result in the loss of sunlight to the lounge window of No.450 and its front garden during the middle part of the day. The outlook from the lounge window would also be significantly reduced because of the degree of projection, height, and proximity of the proposed front extension.
9. I observed at my site visit that No.450 had a tree in its front garden and other vegetation and there is a small tree near its side boundary with the appeal site. However, I consider that the degree of overshadowing and loss of outlook from the lounge window of No.450 would be significantly greater as a result of the proposed extension. The proposal would therefore conflict with Local Plan policy LLP19 which seeks to ensure that house extensions protect the amenity of neighbours. It would also conflict with guidance in the Framework regarding the creation of places with a high standard of amenity for existing and future users. I appreciate that No.450 is set back from the appeal building and other dwellings in the vicinity. However, that is not a reason to justify harm from the proposal to the living conditions of its occupants.
10. I have taken all other matters raised into account. However, for the reasons given above I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR