



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: 31 August 2021.

Appeal Ref: APP/B0230/D/21/3275277

97 Macaulay Road, Luton, LU4 0LP

- 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 Dimitrios Chatzopoulos against the decision of Luton Borough Council.
 - The application Ref: 20/01417/FULHH, dated 14/11/2020, was refused by notice dated 13/04/2021.
 - The development proposed is erection of first floor rear extension, extending to the side with undercroft access, a rear dormer window and front rooflight to facilitate a loft conversion and associated external alterations (re-submission).
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Decision

1. The appeal is dismissed.

Main Issues

2. 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 received light and outlook.

Reasons

Character and appearance

3. The appeal building is a semi-detached two storey dwelling located in a residential area. It is part of a row of similar dwellings which has regular gaps between the pairs of semi-detached buildings. In the majority of cases the driveways between the buildings lead to garages which are set back from the front of the dwellings.
4. The driveway to No.97 has gates, and a covered area in line with the front elevation of the building, which close views down its driveway. The proposal would include an undercroft towards the rear of the dwelling with accommodation above and extending across most of the rear of the dwelling. A flat roofed dormer would be added to the rear roof slope of the original dwelling and a velux window would be inserted in the front roof slope. Although the undercroft and rear extension would be set well back from the

front elevation of the building, the proposed development would be visible from Macaulay Road through the gap between Nos.97 and 99.

5. I acknowledge that the appellant proposes to use external building materials to match those in the dwelling and that the flat roof section of the rear extension would not be easily seen. However, I find that the combination of the proposed dormer and two storey rear extension would significantly increase the size and scale of the dwelling at the rear. The proposal would therefore conflict with Luton Local Plan 2011-2031 policy LLP1 regarding the presumption in favour of sustainable development, and Local Plan policies LLP19 and LLP25 which seek, amongst other things, to ensure that the scale and mass of extensions are proportionate to the dwelling. It would also conflict with the design objectives of the National Planning Policy Framework (the Framework).

Living conditions of neighbours

6. The other half of the semi-detached pair of buildings is No.95 Macaulay Road. The outlook from the ground floor rear elevation of No.95 is already restricted by the rear conservatory of No.97 and by the timber boundary fence between it and the rear garden of No.97.
7. The flank wall of the proposed rear extension to No.97 would be set slightly away from the rear garden boundary with No.95 and would have a part hipped/part flat roof. However, it would restrict the amount of daylight and sunlight received by the rear first floor window of No.95 and would have a harmful effect on the outlook from that window. This is because of the size, height, degree of projection and proximity of the two storey extension to the rear elevation of No.95.
8. The appellant has indicated that the proposal could be modified to reduce the width of the extension to 3 m rather than 3.5 m. The appellant adds that a recessed corner could be used to comply with the 45° rule. However, I must determine this appeal based upon the proposal and drawings refused by the Council.
9. I find that the proposal would cause significant harm to the living conditions of neighbours at No.95 Macaulay Road in respect of loss of received light and loss of outlook from their first floor rear window. 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.

Other Matters

10. The appellant has drawn my attention to similar two storey flat roofed rear extensions in Macaulay Road, including at No.81. Reference is also made to the single storey flat roofed extension to No.78 Macaulay Road, opposite the appeal site. The Council has advised that it has no record of any planning permissions for flat roofed extensions above ground floor level in the area having been granted since 1994 and has made reference to the focus of development plans since that date on promoting good design standards. However, I note that permission was granted for a 2 storey rear and side extension with a pitched roof at 121 Macaulay Road in 2019. Nevertheless, I have determined this appeal based upon the individual merits of the proposal

and its particular site characteristics having regard to relevant development plan and national planning policies.

11. I acknowledge that the appellant had detailed pre-application discussions, including the submission of alternative scheme drawings, and considers that he was eventually treated unfairly. However, that is not a matter for my consideration as part of this appeal.

Conclusion

12. I have taken all other material considerations raised into account, including the lack of objections from neighbours. However, for the reasons given above I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR