
Appeal Decision

Site visit made on 17 August 2021

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2021

Appeal Ref: APP/B0230/D/21/3273420

1 Broxley Mead, Luton LU4 9HP

- 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 Ms Sabrina Tabaku against the decision of Luton Council.
 - The application Ref 21/00051/FULHH, dated 14 January 2021, was refused by notice dated 19 March 2021.
 - The development proposed is erection of first floor side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on the character and appearance of the host property and the area.

Reasons

3. The appeal property is a two storey end-terrace dwelling with a single storey pitched roof extension at the side and rear. The proposal would involve the construction of first floor side extension in line with the front elevation of the host property that would be stepped down below the ridge of the main house with a dual pitched gabled roof with a front and rear dormer extension.
4. It is located in a mature well-established residential area, typically characterised by a mixture of semi-detached and terraced dwellings set back from the road behind front gardens/driveways. Although there is some variation in the design and style of the other properties in the area, the adjacent terraced properties are relatively evenly spaced, of comparable scale and form, with uniform separation distances between them. No. 1 Broxley Mead being situated on an end plot has more expansive grounds, which add to the open character and appearance of the street scene.
5. The proposed extension would not appear overlarge, relative to the overall plot size. The scale and form of the proposed first floor 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 stepped down, the proposed extension would result in additional bulk at the side of the main dwelling that would be out of character with the more modest form and appearance of the host building and would compromise the sense of space and openness in this particular location. These shortcomings would be

exacerbated by the proposal's position, which would be visible from a number of public vantage points along Broxley Mead. The proposed extension, by virtue of its scale, siting and design, would fail to achieve an appropriate degree of subordination to the host property and would result in an incongruous and out-of-keeping addition that would cause unacceptable harm to the host property and the area.

6. I have considered the appellant's arguments that the design and layout of the proposed extension have been carefully considered and redesigned in order to minimise any adverse impacts on the host property and the area. However, whilst the use of matching materials and fenestrations would assist in integrating the proposal with the host property and the area, these aspects do not overcome the adverse effects outlined above.
7. 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 Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2017 which, amongst other things, require development proposals to be of a high quality design that improve or enhance the distinctiveness and character of the area. In addition, it would not accord with the National Planning Policy Framework July 2021 that developments should seek to secure a high quality of design (paragraph 126) that are sympathetic to the local character (paragraph 130).

Other Matters

8. I have considered the appellant's comments regarding the family's personal circumstances and the benefits to the family arising from the proposed extension. The courts have generally taken the view that planning is concerned with land use in the public interest. Although personal circumstances can sometimes justify a personal or temporary permission, that would not be appropriate here where a permanent structure is intended. As such these are matters to which I can attach only moderate weight in making this decision.
9. I have noted the other developments in the area drawn to my attention by the appellant. However, the various extensions and alterations have different development and locational characteristics to the appeal scheme. 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.
10. I note the appellant's comments regarding the various benefits arising from the proposal including the scheme's high quality design, contributing to the stock of larger housing in the Borough and to create 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

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

David Troy

INSPECTOR