



Appeal Decision

Site Visit made on 13 September 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/B0230/D/21/3273756

73 Blenheim Crescent, Luton LU3 1HD

- 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 Latif against the decision of Luton Borough Council.
 - The application Ref 21/00195/FULHH, dated 6 February 2021, was refused by notice dated 1 April 2021.
 - The development proposed is erection of single storey rear extension, first floor rear extension, erection of outbuilding in rear garden, erection of rear dormer window to convert loft space into habitable space and installation of roof windows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development upon the character and appearance of the host property and the area: and
 - The effect of the proposed development upon the living conditions of neighbouring occupiers with regard to light and outlook.

Reasons

Character and appearance

3. The appeal property is an extended semi detached dwelling located within a residential area. The garden gradually rises to the rear boundary and is generous in size. The rear boundary comprises timber fencing and planting. Beyond the rear boundary are modern two storey dwellings with smaller gardens. Neighbouring property No 71 has been extended with a single storey rear extension, side and rear extension and dormer window. No 75 has a similar rear projection to the host property and benefits from a rear dormer window.
4. The proposed development would extend across a large part of the property and would be viewed as disproportionately and uncharacteristically large when considering the size of the existing dwelling unduly dominating its appearance. Although localised, its scale and mass would be clearly noticeable from the rear of neighbouring gardens appearing as a visually intrusive feature from within the surrounding area.

5. The proposed dormer window would lack architectural subtlety being unsympathetic to the appearance of the host building. Its overall width, extending across both the original property and the previous extension would result in a structure that unacceptably dominates the roof. The dormer window would be an unduly large and bulky feature being unacceptably prominent. It would be noticeably wider compared to other dormer windows in the area and this variance in width would be clearly visible and an incongruous feature within the area.
6. I conclude that the proposed development would unacceptably harm the character and appearance of the host property and the area contrary to Policies LLP1, LLP19 and LLP25 of the Luton Local Plan (2017) (LLP) which, amongst other things, requires the scale, mass and layout are consistent with and proportionate to the principal dwelling and surrounding properties and enhance the distinctiveness and character of the area.

Living conditions for existing occupiers

7. The proposed outbuilding would be sited close to the rear boundary. The outbuilding would be taller than the boundary treatment, however, it would not be so tall that it would create a sense of enclosure or diminish the enjoyment of neighbouring gardens, particularly given there would be sufficient separation between the rear of houses in Cullen Close and the outbuilding. The overall width, height and position of the outbuilding would not result in an unduly prominent or obtrusive building.
8. Notwithstanding the above, the proposed rear extension due to its position along the boundary with No 75 and its overall depth and height would form an overbearing feature creating a sense of enclosure. It would result in a visually intrusive form of development that would appear oppressive and overbearing diminishing the living conditions of neighbouring occupiers by virtue of loss of light and outlook.
9. Consequently, the proposed development would unacceptably harm the living conditions of the occupants of No 75 contrary to LLP Policies LLP1, LLP19 and LLP25 which, amongst other things, seek to ensure that extensions do not affect the amenity of nearby occupiers in respect of visual intrusion and loss of light.

Other Matters

10. My attention has been drawn to extensions at neighbouring property No 71. From the details before me, it appears that the merits are different to those of the appeal proposal namely that there is a smaller first floor rear projection and dormer window compared to the scheme before me. In any event, every appeal must be considered on its own merits, as I have done. This example and other extensions in the area do not justify the harm that I have identified in relation to the main issues.
11. The appellant has referred to permitted development rights relating to extensions of more than one storey and the construction of additional storeys. However, I have seen nothing to suggest that these are genuine options if the appeal failed or that such schemes would be similar to what is currently proposed. As such, I give that argument limited weight in coming to my decision.

12. The Council consider that the proposal would set an unwanted precedent for similar proposals in the area. However, every appeal is considered on its own merits and in this particular case whilst I have found against the appellant there is no substantive evidence to indicate that the proposal would result in a precedent.

Conclusion

13. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR