
Appeal Decision

Site visit made on 23 September 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2021.

Appeal Ref: APP/B0230/D/21/3276016

17 Denbigh Road, Luton LU3 1NR

- 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 Saeed Ahmed against the decision of Luton Borough Council.
 - The application Ref 21/00330/FULHH, dated 4 March 2021, was refused by notice dated 6 May 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 17 Denbigh Road, Luton LU3 1NR in accordance with the terms of the application, Ref 21/00330/FULHH, dated 4 March 2021, and the plans submitted with it (01A/04, 03A/04, 04/04).

Preliminary Matters

2. At my site visit, I saw that the development has been completed and I note that the application has been submitted retrospectively. I am also aware that there is a disputed outbuilding on the site, however it is not shown on the plans before me and is not for consideration. I have dealt with the appeal on this basis, although I have deleted the wording "retention of" from the description as it is not an act of development.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the dwelling and surrounding area.

Reasons

4. The appeal site relates to a semi-detached, two-storey dwelling with off-street parking spaces to the front, sited on Denbigh Road. The property abuts the local primary school, with the wider surrounding area being predominantly residential in nature.
5. The proposed extension has a flat roof and adjoins an existing single storey rear element. It is visible from the public highway across the car park of the primary school, with its upper portion evident behind a brick wall that forms the boundary between the house and school.

6. I consider that the enlargement reflects the scale and proportions of the existing property. It visually connects with the overall appearance of the dwelling, without dominating it or resulting in an overdevelopment of the site. It is of an appropriate design and its size would not materially reduce the amount of private garden area available at the rear of the dwelling. Given the urban context with the school's car park to the fore and the considerable variety of built form within the streetscene, the addition would assimilate without causing undue harm to the spatial quality of the area.
7. The Council asserts that the scheme is of poor build quality, however I have not been provided with any specific evidence that the structure is deficient in this regard. In any event, this would be likely to be a matter for the Building Regulations.
8. At my site visit I saw that there is internal access from the dwelling into the bathroom; I have been provided with updated plans from the appellant to demonstrate this layout.
9. I conclude that the proposal does not cause an adverse effect on the character and appearance of the dwelling and surrounding area. Consequently it complies with the requirements of policies LLP1, LLP19 and LLP25 of the Luton Local Plan November 2017, which seek to ensure proposals relate to surrounding development, meet high standards of design and protect the character of an area. The appeal scheme is also consistent with the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development.

Conditions

10. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. The development is complete and therefore the standard time limit and plans condition are no longer necessary. I am satisfied that no conditions are required.

Conclusion

11. Having regard to all matters raised, I conclude that the appeal should be allowed.

C Hall

INSPECTOR