
Appeal Decision

Site visit made on 15 October 2021

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2021

Appeal Ref: APP/B0230/D/21/3276665

3 Upton Close, Luton LU2 7BH

- 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 M A Khan against the decision of Luton Borough Council.
 - The application Ref 21/00284/FULHH, dated 23 February 2021, was refused by notice dated 21 May 2021.
 - The development proposed is first floor, rear extension and loft extension with rear dormer.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) was published in July 2021. In my opinion, the revised document does not materially alter the policy context in relation to the main issues and, in reaching my decision, it was not necessary to seek comments from the main parties.

Main Issues

3. The main issues are the effect of the proposed extension on (a) the character and appearance of the host dwelling and surrounding area and (b) the living conditions of neighbours at No.14 Winton Close.

Reasons

Character and appearance

4. No.3 Upton Close (No.3) is a two-storey detached dwelling located at the end of a row of three similar dwellings on the western side of Upton Close. It is sited perpendicular to the cul-de-sac to the north and Nos.14 and 15 Winton Close, who share a common boundary. Upton Close is a small cul-de-sac in a mature, well established residential area and is characterised by modest sized detached dwellings that have an overall uniformity in their design, spacing and ridge height.
5. The appeal proposal is to extend at first-floor across the full width of the rear elevation over an existing ground floor extension that is around 3m in depth. The orientation of No.3 and the large gap between Nos. 13 and 14 Winton Close means the first-floor extension to the appeal property would be very

visible from Winton Close and the pedestrian footway that connects the two cul-de-sacs. From this location, the proposed scale and massing of the rear extension would appear unduly prominent, out of character with the modest form and appearance of other dwellings on Upton Close.

6. A large flat roofed dormer would also be added to the rear roofslope and, in order to achieve adequate internal headroom, the ridge of the roof would be raised by around 0.88m and the two existing chimney stacks removed. I do not find that the increase in the ridge height would have a 'negligible effect' as argued by the appellant, rather it would entirely change the proportions and profile of the roof at odds with the overall uniform appearance of the streetscene. The increase in ridge height between No.3 and its neighbour at No.2 Upton Close would appear even more marked because of an existing difference in ground level between the two. The roof would therefore appear a large, incongruous and out-of-keeping addition and the characteristic chimney stacks would be lost.
7. The combination of the proposed first floor extension and the raised roof would significantly increase the size and scale of No.3. It would fail to achieve an appropriate degree of subordination resulting in harm to the character and appearance of the host dwelling and surrounding area. The proposal would therefore conflict with Policy LLP1 of the Luton Local Plan 2011-2031(2017) (LP) regarding the presumption in favour of sustainable development and LP Policies LLP19 and LLP25 which seek, amongst other things, to ensure the scale and mass of extensions are proportionate to the dwelling. It would also conflict with the design objectives of the Framework.

Living conditions

8. No.14 Winton Close is at right angles to No.3 Upton Close on the corner of the pedestrian footway between Winton Close and Upton Close. No.14 has a modest rear garden and a large conservatory extension which means it is set relatively close to the side boundary of No.3. The outlook from No.14 is already restricted to a degree by the existing gable of the appeal property. However, the proposed first-floor extension would be across the full width of the rear elevation, close to the side boundary, at a depth of 3m. This would significantly increase the scale and mass of the flank gable directly facing No.14. It would appear visually intrusive and overbearing from the rear windows of the conservatory, first-floor and garden of No.14 such that it would cause a material loss of outlook. These shortcomings would be further exacerbated by the increase in ridge height of the roof and the cheek of the proposed rear dormer window.
9. I therefore find that the proposal would cause significant harm to the living conditions of neighbours at No.14 Winton Close in respect of visual intrusion and outlook. Consequently, the proposal would conflict with LP Policy LLP19 which seeks to ensure that extensions protect the amenity of neighbours. It would also conflict with the guidance in the Framework regarding the creation of places with a high standard of amenity for existing and future users.

Other Matters

10. I have noted the other development drawn to my attention by the appellant at No.367 Old Bedford Road (No.367). From the information before me, No.367 has a 'back to back' arrangement with other dwellings, rather than being sited

perpendicular to neighbours. An extension to the rear is therefore unlikely to be as prominent, and its relationship with neighbours quite different, than I have found with the appeal property. In any event, each proposal falls to be considered on its own individual merits which I have done here.

Conclusion

11. For the reasons give above, I conclude the appeal should be dismissed.

R. Jones

INSPECTOR