
Appeal Decision

Site visit made on 10 November 2021

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 NOVEMBER 2021

Appeal Ref: APP/B0230/D/21/3278076

142 Austin Road, Luton LU3 1UB

- 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.I. Shahbaz against the decision of Luton Council.
 - The application Ref 21/00492/FULHH, dated 10 April 2021, was refused by notice dated 2 June 2021.
 - The development proposed is erection of two storey, part single storey side and rear extension, a 2m high boundary wall and a garage extension.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property is a semi-detached extended chalet style bungalow located on a corner plot in a mature well-established residential area at the junction of Austin Road and Wadhurst Avenue. The properties along these roads are typically characterised by semi-detached houses and bungalows of varied styles and designs with hipped and gabled roofs set back from the road behind a front garden/driveway. A number of the dwellings have single storey, two storey and dormer roof extensions of varying styles and designs that generally appear as clearly subordinate to the dwellings.
4. The proposal involves the construction of a part two storey/part single storey side extension set back from the side boundary with a hipped roof and a single storey flat roofed rear extension that would project out about 3m from the rear elevation of the property. The existing rear flat roof dormer would be extended laterally across the full width of the extended dwelling. It would project out from the edge of the new hipped roof over the side of the dwelling and would be set down below the ridge line of the host property. The proposal would also entail a new garage extension and a 2m high brick wall that would be stepped up to follow the gently sloping gradient along the side boundary of the site.
5. The appeal property is on a relatively spacious plot and as such the extensions would not appear overlarge, relative to the overall plot size. Equally, the closing of the gap between the side elevation of the appeal property and the

public highway would not appear out of character. From my site visit I noted a number of properties in the road appear to have been built to the side boundaries or in close proximity to such. The reduced space between the extended property and the public highway would be offset to some degree by the boundary treatment along the side of the appeal property.

6. The part two storey/part single storey side extension would be seen in the context of the current varied architectural styles at the host property and the surrounding properties. Against this backdrop, the scale, form and siting of the proposed part two storey/part single storey side extension, set back, would not look significantly out of place or excessive in relation to the built form of the host property and the adjacent properties. The modest overall scale and form of the extension together with the use of matching materials and fenestrations would ensure that the proposed side extension would sit relatively unobtrusively against the built form of the main property.
7. The new 2m high wall would be seen in the context of the existing 1.8m high timber and concrete post fence along the side boundary of the appeal site and varied boundary treatment in the surrounding area. Against this backdrop, the scale, form and siting of the 2m high wall would not look significantly out of place or excessive in relation to the existing boundary treatment at the host property and in the surrounding area. The modest overall increase in the height together with the use of materials would ensure the proposed wall would sit relatively unobtrusively against the built form of the main property.
8. The proposed part two storey/part single storey side extension and new 2m high wall would therefore achieve an appropriate degree of subordination to the host property and as such would not detract from the architectural integrity of the host property and would limit any significant adverse impacts on the street scene.
9. Whilst the new hipped roof which would make a positive contribution to the roofscape of the host property and the adjoining semi-detached property, the proposed rear dormer extension would result in a negative material alteration to the property's new roof. Although it would be set down, the awkward design and appearance of the proposed rear dormer extension would result in additional bulk at the side of the main dwelling that would be very much at odds with the more modest form and appearance of the host building.
10. These shortcomings are exacerbated by the proposal's position, which would be visible from a number of public vantage points along Austin Road and Wadhurst Avenue. The proposed rear dormer extension, by virtue of its scale, siting and design, would fail to achieve an appropriate degree of subordination to the host property and would detract from the architectural integrity of the host property. As such, I consider that the proposed rear dormer extension would result in an incongruous and out-of-keeping addition that would cause unacceptable harm to the host property and the area.
11. I have considered the appellant's arguments that the design and layout of the rear dormer roof extension has been carefully considered and redesigned in response to the previously refused scheme at the site¹ in order to take into account the character of the host property and the other roof extensions in the

¹ 20/00158/FULHH

area. Whilst the use of matching materials and fenestrations would assist in integrating the proposed dormer extension with the host property and the area, these aspects again do not overcome the adverse effects outlined above.

12. Consequently, I conclude that the proposed rear dormer extension would result in harm to the character and appearance of the host property and the area. It would be contrary to the overall aims of 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 create quality places and improve or enhance the distinctiveness and character of the area. In addition, the proposal would not accord with the National Planning Policy Framework (the Framework) that developments should seek to secure a high quality of design (paragraph 127) that are sympathetic to the local character (paragraph 130).

Other Matters

13. I have noted the other developments in the area drawn to my attention by the appellant. However, the various extensions and alterations to the properties on Austin Road and Wadhurst Avenue have different development 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.
14. I note the appellant's comments regarding the context provided in the Framework for good design, but I find that the proposed rear dormer extension does not achieve the standards the Framework seeks.
15. I have noted the issues raised by the appellant regarding the way in which the application was processed by the Council. However, these are a material consideration to which I can attach only limited weight in making this decision.
16. The appellant considers the proposal would constitute a sustainable form of development in line with the requirements of the Framework. I have considered the various benefits put forward by the appellant that the proposal would bring, including the scheme's high quality and sustainable design, providing additional accommodation and security to meet the needs of the applicant's family, the effective use of land and contributing to the local economy. While I have given them some weight, these modest 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

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

David Troy

INSPECTOR