
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: 29TH November 2021

Appeal Ref: APP/B0230/D/21/3279207

48 St. Lawrence Avenue, Luton LU3 1QS

- 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 Mrs Yasmin Mahmood against the decision of Luton Council.
 - The application Ref 20/01604/FULHH, dated 22 December 2020, was refused by notice dated 12 May 2021.
 - The development is single storey side and rear extension to house.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side and rear extension to house at 48 St. Lawrence Avenue, Luton LU3 1QS in accordance with the terms of the application, Ref 20/01604/FULHH, dated 22 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved plans: PA1 - Site Location Plan, PA2 - Block Plan, PA3 - Site Plan, PA4 - Pre- Existing Floor Plans, PA5 - Pre - Existing Elevations, PA6 - Existing Floor Plans, PA7 - Existing Elevations and PA8 Site Photos.

Procedural Matter

2. The Council's decision letter describes the single storey side and rear extension as retrospective. It is clear from the evidence provided and my site visit that the single storey side and rear extension had been constructed. I shall determine the appeal on this basis accordingly.

Main Issue

3. The main issue is the effect of the rear extension on the living conditions of the occupiers of the neighbouring property at No. 50 St. Lawrence Avenue with particular regard to light, overshadowing and outlook.

Reasons

4. The appeal property is a two storey extended end terrace dwelling with a large detached outbuilding at the rear. The single storey flat roofed rear extension measuring about 3.3m in height extends across the full width of the dwelling and projects out by about 4m from the rear elevation of the property.

5. The single storey rear extension is located adjacent to the two storey terraced property at No. 50 St. Lawrence Avenue (No. 50), to the north of the site. The adjoining unextended property at No. 50 has a ground floor living room with French patio doors leading out to a small patio area with an outbuilding, shed and enclosed garden area at the rear. The rear extension projects out along the common shared boundary with No. 50 and is separated from the rooms and garden at the rear of the adjacent property by a high wall running between the properties.
6. Whilst I accept that there is some impact from the development, given the modest overall scale, design and layout of the development, together with the boundary treatment, the separation distance between the properties and the orientation of the buildings, I consider that the rear extension does not result in significant loss of light and overshadowing to the main habitable rooms and garden at the rear of No. 50, nor significantly dominate the views to cause an overbearing effect and an unacceptable sense of enclosure at the rear of No. 50. The outlook at the rear of No. 50 is already toward the high boundary wall and outbuildings at the rear of No. 50 and the appeal property and the appeal site is separated by the garden area at the rear of No. 50.
7. Consequently, I conclude that the rear extension does not result in an unacceptable impact on the living conditions of the occupiers of the neighbouring property at No. 50 St. Lawrence Avenue with particular regard to light, overshadowing and outlook. It is consistent with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2017 which seek, amongst other things, to ensure that development, including extensions, create quality places that do not adversely affect the amenity of nearby occupiers. In addition, it accords with the National Planning Policy Framework that development should seek to create places that promote health and well-being, with a high standard of amenity for existing and future users (paragraph 130).

Conditions

8. Having regard to the National Planning Policy Framework, and in particular paragraph 56, I have considered the conditions suggested by the Council. I have specified the approved plans as a planning condition as this is necessary to provide certainty.

Conclusion

9. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR