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# Appeal Decision

Site Visit made on 26 October 2021 by Emma Grierson BSc (Hons) MSc MRPTI

**Decision by B J Sims BSc (Hons) CEng MICE MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7 December 2021**

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**Appeal Ref: APP/B0230/D/21/3277128**

**262 Old Bedford Road, Luton LU2 7EQ**

- 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 Mamuna Ashraf against the decision of Luton Borough Council.
  - The application Ref 21/00049/FULHH, dated 14 January 2021, was refused by notice dated 14 May 2021.
  - The development proposed is a single/double storey rear extension, single storey side extension and roof alteration.
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## Decision

1. The appeal is dismissed.

## Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

## Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of this publication. Any comments which have been received have been addressed within the appeal decision.

## Main Issues

4. The main issues in the appeal are:
  - the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area, and
  - the effect of the proposed development on the living conditions of the occupiers of the neighbouring dwelling, 264 Old Bedford Road, in relation to outlook and daylight.

## Reasons for the Recommendation

### *Character and Appearance*

5. The appeal property is a two-storey detached dwelling with a large box dormer and a conservatory to the rear, and a detached garage outbuilding to the side.

The surrounding area is residential in nature, being largely comprised of detached dwellings of various sizes and designs. The proposal would replace the conservatory and dormer with a part single-storey and part two-storey rear extension.

6. Although the proposal includes the demolition of the existing conservatory and garage, along with the removal of the rear dormer, the proposal would be a much larger addition to the host dwelling than these existing extensions. The depth of the proposed extension would be less than that of the main dwelling. However, it would extend the full width of the dwelling with a height matching that of the original building. The significant size of the proposed extensions and the bulky nature of the roof, with a flat roof section and a large roof lantern, would result in a dominant addition which would not be subordinate to the host dwelling.
7. Although not fully visible within the streetscene, the resultant building would be much larger and prominent than the surrounding dwellings. It would therefore be an incongruous addition to the surrounding area. As the harm is related to the size of the proposed extensions, it could not be overcome by the use of materials to match the host dwelling.
8. Therefore, as the proposal would harm the character and appearance of the host dwelling and surrounding area, it would conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan (2017). These policies require development proposals to respond to and enhance local character with high-quality design and a scale and mass which are consistent with and proportionate to the principle dwelling, surrounding properties and the character of the area. The proposal would also be contrary to the design objectives of the National Planning Policy Framework.

#### *Living Conditions*

9. The proposed two-storey extension would extend further to the rear than the neighbouring property, 264 Old Bedford Road. No.264 has a first-floor bay window to the rear, with a flank window that would face the proposal. However, the proposed two-storey element is sufficiently set back from the boundary, to ensure that there would be no detrimental impact on the outlook from this small window and the daylight which it receives. Furthermore, due to the bay design of the window, the room would also be served by the larger rear part of the window, from which outlook and light would not be impeded.
10. Consequently, the proposal would not harm the living conditions of the neighbouring occupiers and, in this respect, would not conflict with the relevant sections of Policies LLP1, LLP19 and LLP25 of the Luton Local Plan (2017). These policies seek to ensure that proposed extensions do not adversely affect the amenity of nearby occupiers in respect of visual intrusion and loss of light. It would also not conflict with the National Planning Policy Framework which requires development to have a high standard of amenity for existing users.

#### **Other Matters**

11. With respect to concern over precedent, the grant of planning permission in this instance would not restrict the Council's powers to determine similar future applications because each case falls for determination on its own individual merits.

### **Conclusion and Recommendation**

12. For the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole, and I recommend that the appeal should be dismissed.

*Emma Grierson*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*B J Sims*

INSPECTOR