



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: 09 December 2021

Appeal Ref: APP/B0230/D/21/3276895

109 Barton Road, Luton LU3 2BL

- 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 Jagedar Singh against the decision of Luton Borough Council.
 - The application Ref 21/00133/FULHH, dated 26 January 2021, was refused by notice dated 18 May 2021.
 - The development proposed is a first-floor rear extension, side and rear dormers.
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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 the revised 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 dwellings in relation to outlook and privacy.

Reasons for the Recommendation

Character and Appearance

5. The appeal property is a two-storey detached dwelling with an existing two-storey side extension, single storey rear extension and a side dormer. The surrounding area is residential in nature with dwellings of a varied scale and design. The proposal would introduce two first floor extensions above the

- existing single storey rear extension, along with a rear dormer and an extension to the existing side dormer.
6. The proposed development would be to the rear of the dwelling and therefore would not be visible from the public realm and would have no impact upon the streetscene. However, it would be visible from surrounding properties.
 7. The proposed development, along with the previous extensions to the property, would result in a much larger dwelling than the original. Whilst these extensions may be individually considered modest and subordinate additions, the overall development would be an excessively large and bulky addition which would not be sympathetic to the host dwelling. The resultant building would also be much larger than those dwellings surrounding it, with an overbearing and dominant appearance within the locality.
 8. The appellant states that the proposal is intended to improve the balance between the ground floor and first floor levels with a hip roof that respects the original roof form. However, the varying roof forms of the proposed extensions, including a hipped roof extension, a mono-pitched roof extension, a flat roof dormer and a half-hipped roof dormer create a piecemeal appearance which is discordant with the existing dwelling and an incongruous addition within the surrounding area.
 9. Therefore, the proposal would be significantly harmful to the character and appearance of both the host dwelling and the surrounding area and would conflict with the relevant sections of 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 principal 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

10. The appeal dwelling is set further back into the site than the dwelling at 107 Barton Road, and therefore the proposed extension would be located adjacent to the rear garden of this neighbouring property. However, the first-floor extension closest to this shared boundary would only have a depth of 2.1 metres and a shallow roof form. This extension would also be set back slightly from the side elevation of the host dwelling. Therefore, due to these factors, the proposal would not result in a significant loss of outlook to the occupiers of No.107 when using their garden.
11. The dwelling at 111 Barton Road is set alongside the appeal dwelling and the proposed first floor extension would sit adjacent to the shared boundary with this property. Although the proposal would result in a larger two-storey element along this boundary, the dwelling at No.111 is set in from the side boundary by the width of a driveway. Therefore, the outlook from the windows on the side elevation of No.111 would not be significantly harmed by the proposal and the daylight which they receive would not be unduly reduced.
12. The proposal does not include any additional side windows and the proposed windows on the rear elevation would provide similar views to the existing fenestration. It is also noted that the existing window on the side elevation of the dormer would be removed, thereby reducing the level of overlooking

towards No.107. Therefore, the proposal would not result in an increased loss of privacy to the occupiers of any neighbouring property.

13. Consequently, the proposal would not harm the living conditions of the neighbouring occupiers and 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 extensions do not adversely affect the amenity of nearby occupiers in respect of visual intrusion, loss of light, loss of privacy and/or overlooking. It would also comply with the section of the National Planning Policy Framework which requires development to have a high standard of amenity for existing users.

Conclusion and Recommendation

14. Although it has been found that the proposal would not affect the living conditions of the neighbouring occupiers, it would result in significant harm to the character and appearance of the host dwelling and surrounding area. 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 be dismissed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

15. 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