
Appeal Decision

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

Decision by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2021

Appeal Ref: APP/B0230/D/21/3276689

10 Wychwood Avenue, Luton LU2 7HU

- 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 A Hoque against the decision of Luton Borough Council.
 - The application Ref 20/01284/FULHH, dated 15 October 2020, was refused by notice dated 26 April 2021.
 - The development proposed is a single storey rear extension, first floor side extension and garage conversion.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension, first floor side extension and a garage conversion at 10 Wychwood Avenue, Luton LU2 7HU in accordance with the terms of the application, Ref 20/01284/FULHH, dated 15 October 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01/05, 02/05, 03/05, 04/05 and 05/05.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 04/05.

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 Matter

3. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. In the interests of natural justice both main parties have had the opportunity to make representation. In reaching my decision I have had regard to the revised Framework.

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 occupants of No.8 Wychwood Avenue (No.8), with particular regard to outlook.

Reasons for the Recommendation

Character and Appearance

5. The appeal property is a two-storey semi-detached dwelling with a single storey projection to the side and rear which includes a garage. The surrounding area comprises a mix of semi-detached and detached properties, many with garages to the side and some which have been extended above this at first floor level.
6. The proposal includes a single storey rear extension, a first-floor side extension and the conversion of the garage into habitable accommodation. The Council have raised no objections to the single storey rear extension or the garage conversion, and I find no reason to disagree with this. Therefore, the following assessment will focus solely on the first-floor side extension.
7. Although not necessarily a subordinate addition, due to the height matching that of the host dwelling and the lack of set back from the principal elevation of the property. The design of the first-floor side extension would be typical of a residential extension as it follows the form of the main dwelling and uses appropriate materials. Furthermore, its width would match that of the existing single storey element. Therefore, it would not appear as a dominant addition to the host dwelling.
8. The proposal would also appear similar to other first-floor side extensions within the area, including that at No.6 and No.15 Wychwood Road, amongst others. Although similar development may have been approved under a previous development plan, they still form part of the character of the area and therefore the proposal would not be an incongruous addition to the locality.
9. Although the first-floor extension would adjoin the neighbouring boundary, the neighbouring dwelling at No.8 is set away from this boundary. Therefore the open space between the dwellings would remain and the proposal would not result in a terracing effect or the loss of the spacious character within the streetscene. The hipped roof of the proposed extension would match that of the host dwelling and ensure separation of the neighbouring dwelling at roof level.
10. I acknowledge that No.8 may also wish to extend to the side, which would close this gap between the properties and create a terracing effect. However, I have no evidence that a planning application is forthcoming or planning permission has been granted for such works, and therefore it is given little weight.
11. Therefore, as the proposal would not harm the character and appearance of the host dwelling and the surrounding area, it would not conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan (2017) (LLP). 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. Furthermore, the proposal would also comply with the design objectives of the Framework.

Living Conditions

12. The dwelling at No.8 is set back from the shared boundary with a driveway in between. There are several windows on the side elevation of No.8 which would face the proposed side extension. The proposed first-floor addition would extend up to the shared boundary with No.8, above the existing single storey element. However, the separation is considered sufficient to prevent any loss of outlook or light from these flank windows and the rooms which they serve. The gap between the properties would also ensure that the proposal is not excessively overbearing or enclosing to the occupiers of this neighbouring property.
13. Consequently, the proposal would not harm the living conditions of the occupants of No.8 Wychwood Avenue, with particular regard to outlook. It would not conflict with Policies LLP1, LLP19 and LLP25 of the LLP, insofar as they relate to living conditions and ensure that proposed extensions do not adversely affect the amenity of nearby occupiers in respect of visual intrusion.

Conditions

14. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty and precision. A condition requiring the use of materials to be in accordance with those stated on the application form is also necessary to ensure an appropriate appearance for the development.
15. I have not imposed the condition restricting the use of the development and permitted development rights as there is no clear justification to do so, and it would not pass the test for necessity. No information has been provided to suggest that the building would not be used as a single family dwellinghouse, and any alternative use would require explicit planning permission.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

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

KA Taylor

INSPECTOR