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## Appeal Decision

Site visit made on 14 December 2021

**by Chris Couper BA (Hons) DipTP MRTPI**

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

**Decision date: 21<sup>ST</sup> December 2021**

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### **Appeal Ref: APP/B0230/D/21/3283858**

#### **436 New Bedford Road, Luton LU3 2BA**

- 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 S Khan against the decision of the Council of the Borough of Luton.
  - The application Ref 21/01036/FULHH, dated 19 July 2021, was refused by notice dated 24 August 2021.
  - The development proposed is a raised roof incorporating a flat roof, with the erection of a two storey front, rear first floor side, and a single storey rear, extension.
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### **Decision**

1. The appeal is allowed and planning permission is granted for a raised roof incorporating a flat roof, with the erection of a two storey front, rear first floor side, and a single storey rear, extension, at 436 New Bedford Road, Luton LU3 2BA in accordance with the terms of the application, Ref 21/01036/FULHH, dated 19 July 2021, 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: P1 Site location, block plan and floor plans; and P2 elevations and roof plan.
  - 3) The materials to be used in external surfaces of the development hereby permitted shall match those used in the existing building.
  - 4) The proposed windows in the northern and southern first floor elevations shall be fitted with obscure-glazing and fixed to a height of 1.7m, and shall be retained as such thereafter.
  - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on the extensions' northern and southern first floor elevations.

### **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. Amongst other things, and in general terms, Policy LLP19 of the Local Luton Plan 2011–2031 (2017) ('LP') states that permission will be granted for extensions whose scale, mass, layout, design and materials are consistent with, and proportionate to, the principal dwelling and the character of the area; with in keeping roof styles and pitches; and that extensions should be ancillary in scale to the original building.
4. The dwellings along this part of New Bedford Road are mostly detached and substantial in scale. They are set well back from the road, but often fairly close to their neighbours either side. Their design and form are varied.
5. No 436 New Bedford Road has a fairly eclectic appearance. Its main roof is hipped, but to the front it has a gable, along with columns supporting a catslide roof, and a flat roof in front of the hall and study. In contrast, No 434, which is also two storeys high, has gables to the sides, whilst its other neighbour at 1A Barnfield Avenue is of a broadly single storey form, but with dormer windows directly facing the appeal site. Nearby dwellings are typically faced in masonry of mixed tones and light coloured render.
6. As a result of the proposal, No 436's mass would be increased, due largely to the extensions at first floor level and the very slightly greater ridge height. However, it would retain a principally hipped roof form, and although the wide front facing gable would be removed, this is not a distinguishing design characteristic of this property, or of others, in the streetscene.
7. The resultant building's height would broadly match No 434, and whilst the proposed render on its front face would be quite extensive, that can also be said of its current appearance. Moreover, the render would be alleviated by many windows, which would be vertically proportioned to respect the host's existing fenestration. The render would also reflect similar facing materials elsewhere along this part of New Bedford Road.
8. Nevertheless, as the extensions would not be totally ancillary in scale to the original building, and the building's mass would be increased, there would be a limited conflict with LP Policy LLP19. However, for the above reasons, this would not result in harm to the character and appearance of the host property, or to the area.
9. Consequently, the scheme would not conflict with LP Policies LLP1 and LLP25, which require high quality design, and development which responds to its context and enhances local character and distinctiveness; nor with the broadly similar approach at Section 12 of the National Planning Policy Framework 2021 ('Framework'). The appeal will therefore be allowed.
10. Turning to the matter of conditions, I have considered those suggested by the Council against the Framework's tests. I have imposed the standard time limit condition and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans.
11. In the interests of the character and appearance of the host property and the area, a condition is also necessary requiring that the extensions be faced with matching materials.

12. I have imposed condition No 4 in order to protect adjacent occupiers' living conditions. For the same reason, whilst paragraph 54 of the Framework states that planning conditions should not generally be used to restrict national permitted development rights, having regard to the context here, and the potential for overlooking of immediately adjacent properties, there is justification to do so in this case. I have therefore imposed condition No 5.
13. Summing up, as the scheme would not harm the character and appearance of the host property or the area, having regard to all other matters raised, the appeal is allowed.

*Chris Couper*

INSPECTOR