



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: 21ST December 2021

Appeal Ref: APP/B0230/D/21/3282379

165 Toddington Road, Luton LU4 9EA

- 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 Abdul Aleem against the decision of the Council of the Borough of Luton.
 - The application Ref 21/00546/FULHH, dated 19 April 2021, was refused by notice dated 1 July 2021.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In accordance with an email from the agent dated 15 September 2021, I have taken the appellant's name from the application form.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the host property; and
 - The living conditions of adjacent occupiers.

Reasons

Character and appearance

4. The properties along this stretch of Toddington Road are set back a consistent distance from the highway, and include rows of single and two storey buildings. The host comprises a detached bungalow on a large plot, which is located at the end of a row of similar style properties. It has a hipped main roof, and a low, flat-roofed rear extension.
5. 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 which are ancillary in scale to the original building, and with a roof style which is in keeping with it.
6. The proposed extension would be sited to the rear of the host where it would have a minimal impact on the streetscene, and it would not increase the

building's footprint. However, the tall rear gable would be markedly at odds with the host's hipped roof form; and there would be a rather awkward juncture where that gable would meet the retained section of flat roof.

7. Moreover, given the length of the proposed extension, and particularly its ridgeline, which would match the host's height and would extend a significant distance to the rear, from the sides, its scale would appear out of proportion with, and neither subordinate, nor fully ancillary to, the original building. It would therefore be visually discordant, including in views from nearby properties.
8. For those reasons the scheme would not comply with LP Policy LLP19, nor with the more general requirement in LP Policies LLP1 and LLP25 for high quality design and places; or with the similar stance on good design in Section 12 of the National Planning Policy Framework 2021 ('Framework').

Living conditions

9. The proposed roof extension would extend beyond the first floor rear face of the neighbouring dwelling at 159 Toddington Road ('No 159'). However, its nearest window is obscurely glazed, and the rear face of the scheme would be roughly level with the rear patio doors in No 159's ground floor extension.
10. Additionally, the scheme's roof would have a shallow pitch, which would slope down towards the fence on the common boundary. Consequently, and as both the proposed extension and the dwelling at No 159 are set in slightly from the side boundary, the scheme would not have a significant impact on the outlook from that property.
11. The dwelling at 167 Toddington Road ('No 167') is set in from the side boundary, with the host's vehicular access providing a further gap between it and the proposed development. Consequently, the outlook from No 167's rear facing windows, which are some distance from the boundary, and which is principally down that property's own garden, would not be significantly impacted.
12. No 167 also has rooms to the side whose only windows face over a fence towards the existing side wall and roof at No 165. However, as a result of the scheme's shallow roof pitch, and its siting well in from the boundary and predominantly further to the rear, there would not be a significant impact on the outlook from, or availability of natural light to, those rooms.
13. The scheme's first floor, rear-facing window would be well away from both side boundaries, where it would have an outlook typical of residential areas such as this, which would be principally down the host's own garden, and with only more oblique, or distant, views towards the neighbours' gardens.
14. Consequently, the scheme would not impact adjacent occupiers' living conditions to a harmful degree. Thus, on this issue, it would not conflict with those parts of LP Policies LLP1, LLP19 and LLP25 which require development to not adversely affect the amenity of nearby occupiers with regards matters such as visual intrusion, loss of light, loss of privacy, and overlooking. It would not conflict with the Framework's stance of ensuring a high standard of amenity.

Other matters

15. In its favour the scheme would provide additional space for the appellant and his family, thus benefitting their living conditions.

Planning Balance and Conclusion

16. Whilst the scheme would not impact adjacent occupiers' living conditions to a harmful degree, its design would significantly harm the character and appearance of the host property. The scheme's limited benefits would not outweigh the harm that it would cause, and it would conflict with the development plan when considered as a whole. Consequently, having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR