

Appeal Decision

Site visit made on 11 January 2022

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 JANUARY 2022

Appeal Ref: APP/B0230/D/21/3285480

2 Tancred Road, Luton, LU2 7XA

- 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 Matt Wells against the decision of Luton Borough Council.
 - The application Ref 21/00732/FULHH, dated 20 May 2021, was refused by notice dated 23 August 2021.
 - The development proposed is erection of a rear single storey conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a rear single storey conservatory at 2 Tancred Road, Luton, LU2 7XA in accordance with the terms of the application Ref 21/00732/FULHH, dated 20 May 2021 and in accordance with the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plan: 34209 Existing and Proposed Plans and Elevations.

Main Issues

2. The main issues in this case are the effect of the proposed development on the character and appearance of the area; and its effect on the living conditions of neighbouring occupiers, with regards to sunlight, daylight and outlook.

Reasons

Local character

3. The appeal property is a two storey semi-detached dwelling extended at ground floor level to the rear.
 4. It is located in a residential area, largely characterised by the presence of detached and semi-detached one and two storey dwellings. Houses tend to be
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set back from the pavement behind short frontages used as parking areas and have longer gardens to the rear.

5. The appeal property of No 2 Tancred Road is located such that the side of the dwelling sits alongside the rear gardens of dwellings along Lothair Road. Its rear garden lies adjacent to the rear gardens of dwellings along both Tancred Road and Lothair Road and in this way, forms part of a large, green garden area.
6. During my site visit, I noted that No 2's rear garden is surrounded by tall garden fences and that many neighbouring gardens also have tall outbuildings, mainly sheds, some of which are located within close proximity of No 2.
7. The proposed development would comprise a small conservatory. It would only rise a small distance above the height of the shared boundary fence with Number 4 Tancred Road, the attached property; and it would sit at a similar height, or little higher than, neighbouring sheds in the rear gardens of dwellings along Lothair Road.
8. Further to the above, the proposed conservatory would only extend a short distance into the appeal property's rear garden and would not extend across the full width of the dwelling but would be set well back from the boundary with rear gardens along Lothair Road.
9. Taking all of the above into account, I am satisfied that the proposal would comprise a modest, sensitively designed addition that would appear in keeping with its surroundings. It would not, due to its small size, reduce the remaining area of the rear garden to any significant degree and its low height would ensure that the proposal would not appear unduly intrusive.
10. Taking all of the above into account, I find that the proposal would not harm the character and appearance of the area. It would not be contrary to the National Planning Policy Framework or to Local Plan¹ Policies LLP1, LLP19 and LLP25, which together amongst other things, seek to protect local character.

Living Conditions

11. Whilst ambiguous, the Council's officer's report suggests that the proposed development would impact on the amount of daylight received by No 4 Tancred Road and that the rear gardens of other dwellings along Lothair Road would be "materially implicated."
12. The orientation of the appeal property is such that its rear garden is located directly to the north. Given this, along with the height of the existing garden fence separating the two dwellings and the dimensions of the proposed development, it is evident to me that the proposed development would have little or no impact in respect of the amount of daylight or sunlight reaching the adjoining rear garden of the attached dwelling, No 4 Tancred Road.
13. Further, I note above that the proposal would be set back from other adjoining gardens which themselves are characterised by the presence of tall fences and sheds.

¹ Ref: Luton Local Plan 2011-2031 (2017).

14. Taking this and all of the above into account, I consider that the proposed development would not result in any significant loss of daylight or sunlight to neighbouring properties, nor result in any detrimental impact in respect of visual intrusion and there is no substantive evidence before me to the contrary.

15. Taking all of the above into account, I find that the proposal would not harm the living conditions of neighbouring occupiers, with regards to sunlight, daylight and outlook. It would not be contrary to the National Planning Policy Framework or to Local Plan² Policies LLP1, LLP19 and LLP25, which together amongst other things, seek to protect residential amenity.

Conditions

16. I have considered the conditions suggested by the Council against the tests set out in Paragraph 55 of the Framework. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. A condition controlling external surfaces is necessary in the interests of local character.

Conclusion

17. For the reasons given above, the appeal is successful.

N McGurk

INSPECTOR

² Ref: Luton Local Plan 2011-2031 (2017).