

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/21/3287762

373 Old Bedford Road, Luton, LU2 7BL

- 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 M I Shahbaz against the decision of Luton Borough Council.
 - The application Ref 21/01316/FULHH, dated 20 September 2021, was refused by notice dated 15 November 2021.
 - The development proposed is first floor side extension with two storey rear element and single storey rear extension.
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Decision

1. The appeal is dismissed.

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 privacy.

Reasons

Local character

3. The appeal property is a detached two storey dwelling with an attached single storey garage to the side. It has a gable roof and is of brick and tile construction.
 4. The appeal property is located in a residential area, largely characterised by the presence of detached two storey dwellings set back from the road behind gardens and driveways/parking areas. Dwellings are set on comfortable garden plots, with generous gardens to the front and rear.
 5. Wide pavements and generous garden frontages combine with the presence of hedgerows, lawns and planting, and an absence of front boundary walls, to provide for a green, open and spacious environment.
 6. This sense of greenery and spaciousness is also apparent to the rear of the appeal property, where its relatively long garden, like those of neighbouring properties along Old Bedford Road, backs onto the long gardens of properties to the rear.
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7. Further to all of the above, I observed during my site visit that, whilst many dwellings have been altered and/or extended, the majority of such changes appear sympathetic and subservient to the host property, as well as to the wider characteristics of the area, identified above.
8. The proposed development seeks to extend the appeal property to the side and rear. The first floor extension to the side would not be set back from the front elevation, but would be flush with it. In addition, the proposed roof to this addition would not be set down from the main ridge and would introduce a hipped roof to the existing gable roof.
9. The absence of a set back from the front elevation would result in an extension that would fail to appear subservient to the host property. It would result in a bulky and unsympathetic addition, leading the property to appear in contrast to neighbouring dwellings, where changes tend to be sympathetic and subservient to host properties.
10. The harmful impact of the above would be exacerbated by the introduction of a hipped roof. This would be set at the same ridge height as the existing roof and would add considerably to the overall bulk of the addition. I find that it would also introduce a roof form that would jar with the host dwelling's simple gable roof form and that this would add to the incongruous appearance of the proposal.
11. Taking all of the above into account, I find that the proposal would harm the character and appearance of the area, contrary to the National Planning Policy Framework and to Local Plan¹ Policies LLP1, LLP19 and LLP25 which together amongst other things, seek to protect local character.

Living Conditions

12. As noted above, the garden area to the rear of the appeal property is notable for its green and spacious qualities. During my site visit, whilst I observed that there is some scope for rear windows to look across neighbouring gardens, such views tend to be oblique and non-intrusive, not least due to dwellings being located on generous garden plots. I also noted the absence of any unduly intrusive features, such as prominent rear balconies.
13. A first floor rear balcony is proposed. This would be set very close to the shared boundary with Number 375 Old Bedford Road and due to its close proximity and first floor height, it would provide for direct views down onto No 375's rear garden from an imposing vantage point.
14. As a result, I find that the proposed balcony would appear as a highly intrusive feature. It would provide for direct and significant overlooking of No 375's rear garden, to the detriment of the occupiers of that property's enjoyment of their rear garden.

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

15. Taking the above into account, I find that the proposal would harm the living conditions of neighbouring occupiers, with regards to privacy, contrary to the National Planning Policy Framework and to Local Plan Policies LLP1, LLP19 and LLP25 which together amongst other things, seek to protect residential amenity.

Conclusion

16. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR