

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/21/3286978

42 Hillary Crescent, Luton, LU1 5JH

- 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 Stuart Eaglesham against the decision of Luton Borough Council.
 - The application Ref 21/00885/FULHH, dated 23 June 2021, was refused by notice dated 24 August 2021.
 - The development proposed is a single storey rear extension with two storey side extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal property is a two storey semi-detached dwelling with a single storey attached garage to the side. It is located in a residential area, largely characterised by the presence of two storey semi-detached dwellings. Hillary Crescent in this location is a relatively steep hill, such that there is a noticeable difference in levels between each dwelling.
 4. Houses along Hillary Crescent tend to be set back from the pavement behind short front gardens and/or parking areas and have longer gardens to the rear. Whilst development in the area is relatively dense, the short gardens and/or driveways, together with gaps between pairs of dwellings contribute to a sense of spaciousness.
 5. In this regard, during my site visit, I observed that, whilst there tend to be single storey garages or fences attached to the side of dwellings close to neighbouring properties, the gaps above these at first floor level serve to provide important visual breaks between pairs of dwellings and in so doing, make a positive contribution to the area's sense of spaciousness.
 6. The proposed development would extend the appeal property to the side at first floor level. In so doing, the proposal would extend to within very close proximity
-

of the side boundary with Number 40 Hillary Crescent. I find that this would result in a significant reduction to the size of the important gap at first floor level between Nos 42 and 40 Hillary Crescent, to the detriment of the spacious attributes of the area.

7. In addition to this, whilst the proposal would be set back slightly from the front elevation, its overall size and bulk would be such that the addition would fail to appear as a subordinate addition to the host property, but rather, it would draw the eye as a prominent and unduly dominant addition.
8. In support of their case, the appellants refer to the presence of other extensions similar to that proposed, located nearby. Most notably, Number 36 Hillary Crescent, a very short distance along the road from the appeal property was recently granted planning permission for a two storey side extension¹.
9. However, amongst other notable differences in design, the permitted development at No 36 would not extend as close to its neighbouring boundary as would the proposal the subject of this appeal and as such, would result in a different form of development. However, notwithstanding this, I have found that the proposed development would detract from the area's identified attributes, leading to the decision below.
10. Taking all of the above into account, I consider that the proposal would harm the character and appearance of the area, contrary to the National Planning Policy Framework and to Local Plan² Policies LLP1, LLP19 and LLP25 which together amongst other things, seek to protect local character.

Conclusion

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

N McGurk

INSPECTOR

¹ Ref: 20/00699/FULHH.

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