

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/21/3287623

1 Red Rails, Luton, LU1 5ND

- 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 Behar Kordhaku against the decision of Luton Borough Council.
 - The application Ref 21/00993/FULHH, dated 3 June 2021, was refused by notice dated 8 November 2021.
 - The development proposed is erection of single/double storey side and rear and single storey front extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council notes that no planning history can be found relating to the roof alterations/second floor which has already been built and that "this will be referred to enforcement for investigation."
3. The appellant acknowledges "discrepancies" in the drawings submitted with the application. Revised "as built" plans have been submitted. Having regard to this, I consider the main issue in respect of this case to be that set out below.

Main Issue

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

Reasons

5. The appeal property is a semi-detached dwelling which has been extended at roof level. It is located in a prominent position, close to Red Rails' junction with Wilsden Avenue. Long rear gardens to properties along Wilsden Avenue, together with a gap alongside and a track to the rear of the appeal property, present an open and spacious environment around its side and front and this adds to the prominence of the dwelling in its surroundings.
 6. The appeal property is located in a residential area, characterised by the presence of two storey semi-detached and terraced dwellings. Dwellings tend to be set only a short distance from the road, behind small gardens and/or parking areas and have longer gardens to the rear.
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7. Along Red Rails, the similar appearance of dwellings, the regularity of build-lines and spacing between pairs of dwellings, the common use of brick and tile materials and rendering, and the frequent presence of neat hedgerows, all combine to result in a pleasant sense of uniformity and spaciousness. In this respect, I observed during my site visit that, whilst many dwellings have been extended and or altered, such changes tend to appear subservient to host dwellings and in keeping with their surroundings.
8. The proposed development would add front, side and rear extensions. These would combine to create such a large volume of additional space that, despite a small set-back from the front elevation at first floor level and a small drop down from the ridge height, they would unduly dominate the host property. Rather than appear subservient to the host property, I find that the scale of development proposed would appear unduly disproportionate.
9. The disproportionate additions would create a dwelling that would appear overwhelmingly dominant in its surroundings. Further, the proposal would appear out of keeping with the identified qualities of the area, most notably, the uniformity of dwellings and the largely subservient and appropriate appearance of neighbouring alterations and extensions.
10. The harmful impact of all of the above would be exacerbated as a result of the prominent location of No 1 Red Rails, such that the incongruous and unduly dominant appearance of the development would draw the eye from all directions.
11. Taking everything 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.

Other Matters

12. In support of his case, the appellant refers to other developments in similar locations and to another appeal decision². However, there is nothing before me to demonstrate that any of these developments are so similar to the development proposed as to provide for a direct comparison and notwithstanding this, I have found that the proposal will result in significant harm and this is not something that is mitigated by the presence of other developments elsewhere.

Conclusion

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

N McGurk

INSPECTOR

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

² Ref: APP/B0230/D/18/3193557.