
Appeal Decision

Site visit made on 3 February 2022

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10TH February 2022

Appeal Ref: APP/B0230/D/21/3284567

43 Filmer Road, LUTON, LU4 9BX

- 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 Sajid Iqbal against the decision of Luton Borough Council.
 - The application Ref 21/00623/FULHH, dated 1 May 2021, was refused by notice dated 10 August 2021.
 - The development proposed is the erection of a two-storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed extension on the character and appearance of the area around Filmer Road.

Reasons

3. No 43 is a semi-detached chalet bungalow situated on the northern side of Filmer Road, close to its junction with Frome Close. It forms a pair of dwellings with No 41 that are set at a 45 degree angle from the row of houses to the east and, as a result, it occupies a triangular corner plot at the junction. Dwellings to the west and directly opposite are predominantly two-storey, while those to the east are predominantly bungalows and chalet bungalows. Filmer Road rises from east to west, such that the appeal property is sited a little above the level of the neighbouring No 45.
4. The proposed extension would be on the south-eastern side of the dwelling and would continue the existing front elevation and roof-line of the main dwelling, to enable the creation of an extended kitchen and other accommodation on the ground floor, with an additional bedroom on the first-floor.
5. Policy LLP1 of the Council's Local Plan (LP) indicates that new development should preserve or improve the character of the area and that they should respond to and enhance local character. Policy LLP19 relates to extensions to dwellings and indicates that the scale, mass, and design should be consistent with and proportionate to the principal dwelling, surrounding properties, streetscape and character of the area. Furthermore, the extension should be of ancillary scale to the original building. Policy LLP25 indicates that development should enhance the distinctiveness and character of an area by

responding positively to the townscape, street scene, site/building context, form, scale, height, pattern and materials, and distinctiveness of the area.

6. The Council contends that the proposed extension would result in material harm to the detailed design and character of the original dwelling due to the absence of appropriate subordination which would result in an unacceptable level of bulkiness to the original dwelling, and that it would protrude significantly forward of the strong building line within the area, which would result in a development that would be overly prominent and overbearing within the streetscape.
7. The appellant contends that the proposed extension represents a scaling back from earlier plans following pre-application advice from the Council, and that there is a similar side extension at No 64 Filmer Road, previously approved by the Council, which should be seen as a precedent for the proposal at No 43. He also indicates that the additional accommodation is required to ease home-working arrangements and to cater for other family needs.
8. The appeal property is prominent in the street scene. It lies slightly above the level of the adjacent No 45 and, because of the angle of its orientation, it presents a large gable side elevation to the road with substantial dormer windows in both roof slopes. Currently the south-east corner of the property coincides with the established building line formed by the front elevations of Nos 45-49 to the east, and the proposed side extension would bring the built form well in front of that building line. This would significantly increase the prominence of the side gable in the street scene and bring the dwelling forward to a point very close to the front boundary of the plot. From this perspective, the extension would then appear as a bulky and somewhat incongruous and intrusive feature that would be harmful to the street scene.
9. I acknowledge that the extension would match the existing front elevation and roof slope at the property, but I note that the Council's pre-application advice to the appellant made a strong recommendation to set the front elevation of the extension back 1 metre from the existing front elevation of the house, to ensure the subordination of the extension to the main property, and that a key concern with the site was the impact the development would have on the building line of Filmer Road. I concur with this perspective, and the current proposal would not deal adequately with these concerns.
10. With regard to the earlier development at No 64, the situation is different in that it lies on the inside of a bend in the road and is less prominent in the street scene. Moreover, it does not project beyond the front elevation of the neighbouring No 62, which effectively screens it from view when approaching from the west, and is behind the building line formed by the front elevations of nearby Nos 68 – 78. For these reasons, the situation at No 64 does not form a precedent for the current proposal at No 43, and I have, in any case, dealt with this proposal on its own merits.
11. I have sympathy with the appellant with regard to this attempt to find an acceptable solution to his desire for additional accommodation at his home but, in this case, I am not convinced that the proposal before me is the only possible approach, and I find that the harm to the street scene and the wider character and appearance of Filmer Road would not be outweighed by potential benefits to the family.

12. In conclusion, I find that the proposed two-storey side extension would appear prominent, bulky and incongruous in the street scene. It would not respond to and enhance local character. It would not respond positively to the townscape, street scene, and building context of the area. On this basis, the proposal would be harmful to the character and appearance of the area around Filmer Road, and would conflict with Policies LL1, LL19 and LL25 of the LP. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR