
Appeal Decision

Site visit made on 4 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/21/3287849

8 Lyneham Road, LUTON, LU2 9JS

- 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 S Twardochleb against the decision of Luton Borough Council.
 - The application Ref 21/00092/FULHH, dated 22 January 2021, was refused by notice dated 7 September 2021.
 - The development proposed is the erection of two-storey side and rear extensions with a canopy over the front door.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It would appear that both Plan 201 Revision A and the Block Plan submitted with the application contained inaccuracies, including incorrect roof and window details and the inclusion of a single-storey rear extension that was not part of the scheme. The appellant has provided amended plans that correct most of the inaccuracies, although there is still a discrepancy between the extent of the roof line of the side extension, as shown in the front and rear elevations. I will refer to any relevant issues raised by these in my reasons below.

Main Issues

3. The Council indicates that it has no significant objections to the proposed side extension. I concur with that viewpoint, and so the main issues in this case relate to the rear extension and its effect on:
 - The character and appearance of the area around Lyneham Road and Overfield Road, and
 - The living conditions of the occupiers of the property and the neighbouring properties at No 1 Overfield Road and No 10 Lyneham Road by way of light, outlook and privacy.

Reasons

4. No 8 is a semi-detached house occupying a triangular corner plot at the junction of Lyneham Road with Overfield Road. It forms a pair of dwellings with No 1 Overfield Road. The proposed development would involve the construction of a two-storey extension at the side of the house, and another at the rear of the house which has a slight overlap with the side extension.

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. In addition, the proposed extension should not adversely affect the amenity of nearby occupiers, in respect of visual intrusion, loss of light, loss of privacy and/or overlooking, particularly where there is effect on a habitable room. 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 proposal would be unacceptable by reason of both unsympathetic design, causing harm to the detailed design and character of the original dwelling, and also material harm to the amenities of adjoining occupiers by way of loss of light, loss of privacy and an increased level of overlooking.
7. The Appellant contends that the rear extension would not be out of scale with the existing house and that its design would not be inappropriate in the context of the host dwelling or surrounding dwellings. He also notes the existence of another similar extension at No 6 Lyneham Road, and rear extensions at other properties in the vicinity. Finally, he contends that the rear extension would not result in adverse effects on light and outlook at neighbouring houses.

Character and appearance

8. Both the side and rear extensions proposed would have gable ends. Since such elements are established features in the street scene locally, I do not consider that, in visual terms, this would be harmful to the character or appearance of the area. The principle of both a side and rear extension has been accepted at No 6 Lyneham Road, which occupies a similar position in the street scene to that of the appeal property. Although all proposals should be treated on their own merits, I find that the example at No 6 is not harmful to the character or appearance of the area, and I consider that the current proposal at No 8 could similarly be acceptably assimilated into the street scene. Unlike the rear extension at No 6, the rear extension at No 8 would not be readily visible from the road, and when viewed from the rear would relate acceptably to the extended rear elevation. Finally, the rear extension would be of limited depth in a way that would not visually dominate the host property.
9. On this issue, therefore, I find that the proposal would respond positively to the street scene and building context, and would not be harmful to the character or appearance of the area around Lyneham Road and Overfield Road. It would not conflict with Policies LL1, LL19, or LL25 of the LP

Living conditions

10. The proposed rear extension would be sited relatively close to the boundary with the adjoining No 1 Overfield Road and would project 2.5 metres from the existing rear elevation and would have a gable end. Since it would be sited to the south of No 1, it would have some impact on the light received at the rear of that property. The appellant has provided a diagram with a contention that

there would no adverse impact felt in the rear windows of No 1. However, the diagram does not indicate the level of impact or intrusion of the extension on both horizontal and 45 degree upward planes from the nearest first-floor habitable room window in the rear elevation of No 1, and the rear conservatory at that dwelling.

11. I note that the rear extension at No 6, referred to by the appellant, is sited further away from the boundary with the adjoining house, and that it has a somewhat less intrusive hipped roof. In this case, given the proximity of the proposed extension to the boundary with No 1, I have concerns that the proposal could have adverse effects on light received at the rear of the neighbouring dwelling.
12. I also note, from the submitted floor plans and from the revised rear elevation drawing, that the proposed rear extension would result in the current large window in bedroom 2 of the appeal property being substantially reduced in size, leaving only a very small, off-centre window with a severely restricted outlook. This window would have its view to the south and west blocked by the blank side elevation of the proposed extension immediately outside, and its light levels reduced for similar reasons. I find that this would be harmful to the living conditions of future occupiers of the house, and would not represent high-quality design in this context.
13. Given the context of the appeal property in the street and in its wider suburban location, I do not consider that the rear extension would result in any significant adverse impact on the privacy of the occupiers of the neighbouring properties.
14. On this issue, therefore, I conclude that the proposed rear extension would be harmful to the living conditions of the occupiers of the adjoining No 1 Overfield Road, and to future occupiers of the appeal property, by way of adverse impacts on light and outlook. It would, therefore, conflict with Policy LLP19 of the LP.

Conclusion

15. I find that the proposed extensions would not be harmful to the character or appearance of the area around Lyneham Road and Overfield Road, but that they would result in harm to the living conditions of the occupiers of the adjoining No 1 Overfield Road, and to future occupiers of the appeal property, by way of adverse impacts on light and outlook. Accordingly, and on balance, I dismiss this appeal.

J D Westbrook

INSPECTOR