



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: 16TH February 2022

Appeal Ref: APP/B0230/D/21/3289869

16 Wychwood Avenue, LUTON, LU2 7HU

- 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 M Ali against the decision of Luton Borough Council.
 - The application Ref 21/01261/FULHH, dated 8 September 2021, was refused by notice dated 2 December 2021.
 - The development proposed is the construction of a first-floor rear extension and ground-floor front porch.
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Decision

1. The appeal is dismissed.

Main Issue

2. There would appear to be common ground between the LPA and the Appellant in that the proposed front alterations to the dwelling involving the erection of a mono-pitched roof are acceptable. I concur with this and, on this basis, the main issue in this case is the effect of the proposed rear extension on the character and appearance of Wychwood Avenue.

Reasons

3. No 16 is a detached house situated on the eastern side of Wychwood Avenue. At the time of my site visit, it had a partial front projection containing a garage, and a small single-storey rear extension across part of the rear elevation. It has a long rear garden that is stepped up to the east. It forms the central dwelling in a row of three properties that are more modern than the typical houses along this part of the road, and they are set back a little from the main building line of the rows of houses to either side.
4. The property apparently benefits from a Certificate of Lawfulness for a conversion of the garage to a habitable room, and has an acknowledgement of Permitted Development rights for a large single-storey rear extension across the whole rear elevation of the house. Neither of these has yet been implemented. It has also recently received prior approval for an increase in the height of the roof by some 2.4 metres allowing for the creation of an additional floor in the extended roof space. This would result in the insertion of two new bedrooms on the second floor, with hipped-roof dormer windows in both the front and rear elevations.

5. The proposed first floor rear extension would be above part of the single-storey rear extension and would extend out from the current rear elevation by around 4 metres. It would have two linked hipped-roof rear projections.
6. 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.
7. The Council contends that the development, by reason of its scale, size and design, would be out of scale and character with the composition and integrity of the original and surrounding residential dwellings to the detriment of the visual amenities of the surrounding area. In addition, the development, by reason of the unsympathetic characteristics and undue prominence would result in significant harm to the design and character of the original dwelling.
8. The appellant contends that the appeal proposal would not cause any demonstrable harm to the character and appearance of the locality and would not have an adverse effect on the residential amenity of the adjoining property occupiers. Furthermore, the appellant notes that the adjacent No 14 has had permission granted for a two-storey rear extension granted on appeal, and that No 15 has similarly had permission granted for a two-storey rear extension.
9. In this case, the submitted plans show the proposed two-storey rear extension in the context of the original building with the already approved or permitted alterations and extensions indicated as being in place. These would involve a substantial 8 metre deep single-storey rear extension, and a roof ridge raised by 2.4 metres with the insertion of additional dormer windows to front and rear roof-slopes, to create an additional storey. The proposed development would add a further 4 metre deep, first-floor extension across the whole of the rear elevation, with large, linked hipped roofs that would cut across the raised roof profile.
10. On the basis of the above, I find that the cumulative effects of the extensions at the appeal property, including the current proposal, would result in disproportionate additions, harmful to the character and appearance of the dwelling. The combination of extensions would not appear as ancillary to the original building, and the resultant complex and somewhat incongruous roof/dormer arrangements at the rear of the house would not be a positive response to the context of the building. In addition, I consider that the dwelling, with the prior approved roof extension, would already appear uncharacteristically top heavy, especially with the dormers. I note that the large middle rear dormer, which does not seem to be included on the proposed side elevation of the submitted plans, would add to the scale and mass of the roof. Finally, the roof above the proposed rear extension would add further bulk at the top of the building, harmful to its character and appearance.
11. With regard to the nearby examples at Nos 14 and 15, I acknowledge that both have received permission for sizeable rear extensions, but neither relate to a

house with a substantially raised roof that contains an additional storey and with large and prominent dormer windows. Moreover, neither would appear to result in a rear extension that spreads across the entire rear elevation of the house. In particular, the rear extension at No 14 is seen in the context of a much lower roof that has no rear dormer windows, and it appears as consistent with and subordinate/proportionate to the original dwelling. As a result, I do not consider that either of these examples can be seen as a precedent for the proposal at the appeal property.

12. In conclusion, I find that the proposed rear extension, by virtue of its scale, massing and design, would not appear as ancillary to the original dwelling, and would not be consistent with and proportionate to the host property or surrounding properties. On this basis, it would be harmful to the character and appearance of the host property and the wider area around this part of Wychwood Avenue, and it would conflict with Policies LL1, LL19 and LL25 of the LP. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR