
Appeal Decision

Site visit made on 21 March 2022

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6TH April 2022

Appeal Ref: APP/B0230/D/22/3292463

54 Ludlow Avenue, Luton LU1 3RW

- 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 and Mrs Halsey against the decision of Luton Borough Council.
 - The application Ref 21/01587/FULHH, dated 12 November 2021, was refused by notice dated 10 January 2022.
 - The development proposed is the erection of a single storey side/rear extension.
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Decision

1. The appeal is dismissed.

Procedural and preliminary matters

2. The proposed extension is substantially complete. It appears to broadly reflect the details shown on the plans.
3. The Council has recently issued a certificate of lawfulness in relation to a detached single storey building at the back of the main house. According to the plans, this flat roof building, which is largely complete, will accommodate a swimming pool. For brevity, I shall to it hereafter as the pool building.

Main issues

4. The main issues are the effect of the proposed development firstly, on the character and appearance of the host building and the local area; and secondly, on the living conditions of the occupiers of 29, 31, 33, 52 and 56 Ludlow Avenue with particular regard to outlook.

Reasons

Character and appearance

5. The appeal property is a mainly 2-storey detached house with a ground floor rear projection that occupies a corner plot within a residential area wherein detached dwellings of individual design predominate. Consequently, there is some variety to the existing built form in the area to which No 54 belongs.
6. The proposal is to enlarge No 54 with a ground floor extension with a flat roof at the side and rear of the main house. In itself, the new addition would be modest in scale, depth and height. However, the proposed extension would not be seen in isolation.

7. By connecting the pool building with the main house, the appeal scheme would form an integral part of a single ground floor extension projecting outwards from the main rear wall. As a result, there would be a long continuous wall facing the garden and also close to and parallel with the site's side boundary beyond which is Ludlow Avenue. The Council estimates that the length of the completed wall along this highway frontage would be over 18 metres.
8. In that particular context, the proposal would result in an overly long and large flat roof rear projection that in my opinion would be disproportionate in scale and depth to the host building. In other words, a ground floor rear projection that is more than twice the depth of the main house would be so large that its intrinsic character would be spoiled.
9. When seen from Ludlow Avenue, the upper section of the new addition and the pool building would be evident rising just above the existing fence that marks the highway frontage of the site. That said, the flat roof of the new addition and its modest height, like that of the pool building, would still ensure that it maintained a low profile to the road. Consequently, the spacious feel that characterises this part of Ludlow Avenue would be largely retained with the new built form in place. While only partly visible from the road, the proposal would nonetheless form part of the characteristics of the local area as experienced and appreciated from gardens and houses. When viewed from the rear garden of No 54 in particular, the rear projection, combining the pool room and the appeal scheme, would draw the eye as an uncharacteristically long extension and as an unsympathetic addition to the local area.
10. Reference is made to residential extensions that have been recently approved at 23, 30 and 66 Ludlow Avenue with some background details provided. In each of these cases, the proposed ground floor extension formed part of a larger scheme and it was considered by the Council as a whole. Consequently, these examples differ to the proposal before me, which solely concerns a single storey extension, and in the relationship to the host building. While I saw a range of extensions and outbuildings to the rear of other properties in the local area, none appeared to be the same or very similar to the proposal. As such, these cases are not directly comparable to the proposal and do not lend significant weight in support of the appellants' case.
11. The appellants have drawn my attention to a potential fallback position in which an outbuilding could be erected or enlarged through the exercise of permitted development (PD) rights, which would not require planning permission. That option could be a realistic option if this appeal were to be dismissed. However, a PD compliant outbuilding would differ in form, position and in its relationship to the main house compared to the proposal before me with different consequences for the character and appearance of the local area. As it stands, I therefore attach only moderate weight to this consideration.
12. Overall, I conclude on the first main issue that the proposed development would cause significant harm to the character and appearance of the host building and the local area. As such, it conflicts with Policies LLP1, LLP19 and LLP25 of the Local Luton Local Plan 2011-2031 (LP). These policies seek to ensure that development preserves or improves local character; responds positively to the building's context; and require residential extensions to be consistent with and proportionate to the principal dwelling. It is also contrary to the policies of the National Planning Policy Framework (the Framework),

which state that development should be sympathetic to local character and add to the overall quality of the area.

Living conditions

13. As the upper part of the extended flank wall and roof of the proposal and the pool building would rise above the existing boundary fence, they would be visible from the front of dwellings that line the opposite side of Ludlow Avenue to the site, including Nos 29, 31 and 33. However, these dwellings are set back from the road behind gardens with a good-sized gap between them and the proposal. Given the generous separation distance involved, the presence of the proposal, when seen together with the pool building, would not be so great as to dominate the outlook from these properties nor feel intrusive.
14. From the rear facing windows of the neighbouring dwelling to one side of the site, which is 52 Ludlow Avenue, the main direction of outlook across their back garden would be largely unaffected. From what I saw, there is only a small upper window in the flank wall of 56 Ludlow Avenue to the southeast of the site, from which the proposal would be seen against the backdrop of the substantive built form of the main dwelling.
15. On the second main issue, I conclude that the proposed development would not materially reduce the living conditions of the occupiers of Nos 29, 31, 33, 52 or 56. As such, there is no conflict with LP Policies LLP1, LLP19 or LLP25 insofar as they aim to safeguard residential amenity. It would also accord with the Framework, which states that planning decisions should ensure a high standard of amenity for existing and future users. My finding on this matter does not outweigh the harm identified in relation to the first main issue.

Other matters

16. The proposal makes efficient use of the space available at the rear of No 54. It would enable internal access directly from the main house to both a gymnasium and the swimming pool. Given the generous size of the plot and the space available at the back of the main house, the proposal would not amount to overdevelopment of the site. However, these considerations do not outweigh the identified harm.
17. The Council raises additional concern that the proposal, if allowed, would set an undesirable precedent for further similar proposals in the local area. However, in my experience, it is rare that proposals are the same or very similar between one site and another because local circumstances often vary. Few details have been provided by the Council to elucidate its concern nor did I see any obvious candidates that might give rise to circumstances that could replicate those in this appeal. In any event, each development should be assessed on its own merits, which I have done. Consequently, the issue of precedent does not weigh against the appellants' case.

Conclusion

18. Nevertheless, for the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR