



Appeal Decision

Site visit made on 12 July 2022

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2022

Appeal Ref: APP/B0230/D/22/3300516

3 Ryefield, Luton, LU3 4DJ

- 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 Mrs Sandya Roy against the decision of Luton Borough Council.
 - The application Ref 22/00365/FULHH, dated 25 March 2022, was refused by notice dated 26 May 2022.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are the effect of the proposed development on:-
 - the character and appearance of the dwelling and the street scene;
 - the living conditions of the surrounding occupiers in regard to noise and disturbance.

Character and appearance

3. The development plan includes policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2011-2031 (adopted 2017) which together seek to ensure that development proposals are of a high quality design that responds to and enhances local character and that extensions of are of an ancillary scale to the original building.
4. The appeal site comprises a large modern, two storey detached house on a good-sized plot at the head of a cul-de-sac on a large residential estate. It is bounded at the side by Whitehorse Vale, a busy distributor road through the estate. The dwelling has a wide, rectangular floorplan and is double fronted with a pitched roof.
5. The proposal would extend the dwelling to the side, towards the side boundary with Whitehorse Vale, with a two storey, pitched roof extension. It would be set in by around 0.6m from the main front and rear walls with a ridge height only slightly below that of the main ridge. The 5m width would be approximately half that of the main part of the dwelling. Whilst small the set back from the front and rear walls would be just about acceptable, the very slight set down from the main ridge (around 0.3m) and the width of the extension would not be acceptable and would result in an extension of

disproportionate width and height. As such, it would not be sufficiently ancillary in scale to the main part of the dwelling.

6. Whilst the property is tucked away at the head of the cul-de-sac and the extension would not be clearly seen in public views from there, it occupies a prominent position when seen from Whitehorse Vale where there is a footway adjacent to the property boundary. The proposed extension would be clearly seen from there above the high boundary wall and hedge. There is a variety of dwelling sizes and styles seen from Whitehorse Vale and some have been extended. However, I saw none at my visit of the same scale as that proposed here and in general, most extensions are subordinate to the main dwelling, creating interest and space in the street scene.
7. Although the appellant says that there is an extant permission for a similar proposal approved in 1993, I have insufficient information regarding the layout of that proposal and cannot be certain that it would provide the accommodation sought here or that there is a realistic possibility that it would be carried out.
8. The appellant has referred to other examples of approved extensions in the area at Humberstone Road and Cherry Tree Close but I am not persuaded that they are directly comparable because those are different locations with a different context and in both cases the ridge of the extension was set down more than here. They do not, therefore, set a precedent for this proposal.
9. I conclude, therefore, that the disproportionate scale of the proposed extension would result in an overly dominant building in a prominent location. This would significantly harm the character and appearance of the dwelling and the street scene in Whitehorse Vale. The proposal is therefore contrary to the development plan policies referred to earlier.

Living conditions

10. The development plan policies above also require that proposals do not adversely affect the amenity of neighbouring occupiers and minimise noise.
11. The proposed extension would have front and rear door access. It would create a kitchen and living space at ground floor level with stairs to a bedroom and bathroom above at first floor level. I disagree with the Council that it would not form a dependent relationship with the original dwelling because the plans show that the ground floor would have an internal door into the main part of the dwelling and no separate garden or parking areas are proposed. There would, therefore, be a functional link between the extension and the dwelling and it would not be fully self-contained. Furthermore, the appellant has confirmed that the extension would be occupied by the dependants and relatives of the occupiers of the main dwelling.
12. The appeal site is well screened on its rear and side boundaries and has generous gaps with its nearest neighbours. On Ryefield the closest dwelling is sited at 90° with a blank side elevation separated from the proposed extension by the detached double garage block and driveway at the appeal site. Only one first floor window overlooks the appeal site from the rear and that is from a dwelling set back some distance. There are no adjoining neighbours on the side boundary closest to the proposed extension as it abuts the highway at Whitehorse Vale. I see no reason why the proposal would lead to comings and

goings at unreasonable hours any more than any other residential extension might and even if that were the case, given the distance and relationship to its neighbours, it would not cause significant harm to neighbouring occupiers.

13. I conclude then that the proposal would not significantly harm the living conditions of surrounding occupiers in terms of noise and disturbance and the proposal would comply in this regard with the development policies referred to above.

Conclusion

14. For the reasons given above, although I have found that the proposal would be acceptable in terms of living conditions, my findings in regard to character and appearance are significant and overriding. I conclude that the proposed development would be contrary to the development plan as a whole and there are no material considerations that would outweigh that. The appeal should be dismissed.

Sarah Colebourne

Inspector