



Appeal Decision

Site visit made on 30 September 2022

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/B0230/D/22/3303090

48 Cades Close, Luton LU1 5QQ

- 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 Mustafa Abdulrasul against the decision of Luton Borough Council.
 - The application Ref 22/00260/FULHH, dated 4 April 2022, was refused by notice dated 28 June 2022.
 - The development proposed is double storey side and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for double storey side and rear extension at 48 Cades Close, Luton LU1 5QQ in accordance with the terms of the application, 22/00260/FULHH, dated 4 April 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: S100 -001 - Existing Floor Plans; S100 - 002 - Existing Elevations; S100 -003 - Parking Plan; S200 - 001 Proposed Ground Floor Plan; S200 -002 - Proposed First Floor Plan; S200 - 003 Proposed Loft Plan; S200 -004 Proposed Elevations; S200 -005 Proposed Elevations; and S200 - 008 - Proposed Block Plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or of the Town and Country Planning (General Permitted Development) Order, 2015 (as amended), (or any Order revoking or re-enacting that Order with or without modification), no window openings shall be fitted within the flank elevation of the first floor of the two storey rear extension hereby permitted without the prior written permission of the Local Planning Authority.
 - 5) Prior to first use/occupation of the development hereby permitted, full details of a scheme for the storage of waste/recycling shall be submitted in writing to the Local Planning Authority for approval. The scheme thereby approved shall be installed prior to first occupation/use and retained thereafter for the lifetime of the development.

Main Issue

2. The main issue in this case is the effect of the proposed extension on the character and appearance of the host dwelling and surrounding area.

Reasons

3. No.48 Cades Close (No.48) is one of a pair of two-storey semi-detached dwellings to the southwest side of Cades Close. Planning permission was granted by the Council in 2021 (21/00578/FULHH) for a similar, smaller two-storey side and single/two storey rear extension, and I observed on site that parts of the block work of a side and rear extension has been constructed.
4. To the front elevation, the appeal proposal is to extend over two-storeys a width of around 2.7m up to the party boundary with No.48's non-attached neighbour. The extension would be wider than the extension approved in 2021 and would all but fill the gap between the dwelling and its boundary. It would not, however, be built 'flush' with the main dwelling. Rather, its height has been set down from the ridge of the pitched roof of the host and, at first floor, the extension has been set well back from the front elevation. This, in combination with the relatively modest width of the extension, means it would appear a proportionate and subordinate addition to the host dwelling. Further, it would not appear noticeably more substantial in built form than neighbouring dwellings and would assimilate well with the pattern of pairs of semi-detached dwellings and short rows of terraces that is characteristic of Cades Close.
5. The front door of No.48 would be relocated to a porch that would project from the two-storey side extension with a gabled roof. The size and location of the windows would also be altered, albeit finished in materials to match the existing. I saw on site that there are various examples of porch extensions and there is no defining pattern or rhythm of fenestration on Cades Close. Therefore, whilst the proposed windows would change the appearance, and the porch would inevitably add to the massing of the extension, neither would detract from the appearance of No.48, or from the character and appearance of the surrounding area.
6. To the rear, a full width single storey extension is proposed which would project around 6m from the existing rear elevation. The two-storey extension would wrap around the side, projecting around 3m, with a shallow gabled roof. It would be wider and deeper than the approved extension and the existing dormer would be extended across the gable roof of the proposed side extension, albeit set in slightly from its edge. I note that the proposed extensions would therefore substantively enlarge the footprint of No.48 and would noticeably add to its scale and massing over the approved. However, rear extensions, including large dormers, are not uncharacteristic of the area and the extension would not entirely overwhelm the existing rear elevation and a reasonably generous garden would remain. Although clearly visible, it would further not appear particularly obtrusive when viewed from the gardens of neighbouring dwellings.
7. Therefore, on the main issue I conclude that the proposed extensions would not cause harm to the character or appearance of the host dwelling or surrounding area. Consequently, there would be no conflict with Policies LLP1, LLP19 and LLP25 of the Local Luton Plan 2011-2031 (2017). Together, these seek sustainable development of high quality design where the scale, mass of

extensions are consistent with and proportionate to the dwelling, surrounding properties and the streetscape and character of the area. Nor would the proposal conflict with the design principles of the National Planning Policy Framework.

Conditions

8. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the development, a condition is imposed to require that the external materials match those of the existing building, as proposed.
9. It is necessary, in the interests of the amenity of the neighbours, to restrict window openings at first floor in the flank elevation of the rear extension. Further, because the proposed development would remove the existing store and preclude external access to the garden, it is necessary for details of the storage of waste and recycling to be submitted before occupation.

Conclusion

10. For the reasons set out above, I conclude that the appeal should be allowed.

R. Jones

INSPECTOR