



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: 28th October 2022

Appeal Ref: APP/B0230/D/22/3303376

7 Hart Hill Lane, Luton LU2 0AZ

- 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 Paul Lanaway against the decision of Luton Borough Council.
 - The application Ref 21/01664/FULHH, dated 29 November 2021, was refused by notice dated 28 April 2022.
 - The development proposed is erection of two storey rear extension (creating lower ground floor level), garage conversion to workshop, erection of front porch, and roof alteration creating Mansard roof with front dormer window and rear balcony to facilitate loft conversion.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. No.7 Hart Hill Lane (No.7) is a modest, detached 1950s single storey dwelling situated on the southern side of Hart Hill Lane.
4. The existing dwelling has a pyramid style hipped roof similar in height to the ridge of its closest neighbour at No.5 Hart Hill Lane (No.5) and below the ridge of the gable garage building of No.9 Hart Hill Lane (No.9) sited parallel to Hart Hill Lane. To the side of No.7 is an attached garage with a flat corrugated metal roof but overall the roof structure of the dwelling is coherent. Rather than appearing 'under-whelming,' the existing dwelling sits comfortably within its context albeit appreciably less contemporary in appearance than No.5.
5. To the front, the existing eaves level of the roof is low and the proposal is to retain this eaves height and replace the roof with a mansard style roof with symmetrical proportions, described by the appellant as 'visually striking.' The mansard would extend the full width of the dwelling, incorporating the attached garage, and over a covered porch proposed to the front, extending the building line around 2.6m closer to Hart Hill Lane. The ridge height would increase by around 1.35m and this height, combined with the proportions and form (particularly the steep 70 degree lower pitch), would result in the roof having a substantial mass. It would appear disproportionate to the ground floor

- elevation resulting in a 'top heavy' and incongruous roof structure to the detriment of the character and appearance of the host dwelling.
6. I observed on my site visit that Hart Hill Lane is characterised by its changes in levels and comprises a mix of individually designed dwellings. The roof forms are however typically traditional – either pitched or gabled (or a combination) some with dormers – and whilst some have tall roof structures they are nonetheless well proportioned to the host dwellings. The differing site levels of each plot on Hart Hill Lane and the mix of property types means that roof heights are varied. However, the proposed ridge of the mansard would be much higher than its close neighbour at No.5 which, to the front, has a combination of facing gables and a hipped roof, but has a reasonably low profile. The proposed roof form would therefore appear out of scale in its immediate streetscene context, rather than creating a more consistent look or sense of cohesion.
 7. Located centrally within the mansard roof a large single glass pane dormer window is proposed with a facing gable. Although dormers and gables form part of the character of Hart Hill Lane, the ridge of the proposed gable would be a similar height to the existing roof and in itself would appear disproportionate in scale to the ground floor and its window openings. It would further increase the prominence and massing of the roof form, found to cause harm to character and appearance.
 8. The appellant has drawn my attention to the mansard roof at No.64 Hart Hill Lane (No.64), but this is quite different in design and context. The dwelling is set high above the road with a shallow mansard pitch and a dormer that is flush with its principal elevation, both sympathetic in proportion to the front elevation. I do not therefore find No.64 to be comparable to the proposal before me.
 9. To the rear, No.7 is single storey with a steep garden that falls away from Hart Hill Lane. It is proposed to extend to a depth of around 7m across the full width of the dwelling to accommodate a main kitchen and dining space at ground floor and bedroom at first floor. Benefitting from the level change, at lower ground floor would be a large basement lounge with full height aluminium framed doors. In plan form, the proposed rear elevation of the extension appears three-storey but the lower ground floor would not be visible except within the garden of No.7 itself.
 10. I saw on site that No.5 has been extended to the rear, with a large gable, and No.9 is set much further back within its plot, well offset from the common boundary with No.7 and at a lower level. The rear building line of the proposed extension would broadly align with the rear building line of No.5 and No.9. Whilst the depth is considerable and the footprint of the original dwelling almost doubled, I nonetheless find that the proposed rear extension would sit comfortably in this context, and its generous plot. Although clearly visible from the rear gardens of Nos.5 and 9 and significantly greater in scale than the original, because of the level changes, it would not appear visually obtrusive relative to the rear elevations of its immediate neighbours.
 11. Notwithstanding my findings in respect of the rear extension, I conclude that the design, scale and form of the mansard roof and its dormers would cause significant harm to the character and appearance of the host dwelling and the surrounding area. Consequently, it would conflict with Section 12 of the

National Planning Policy Framework and policies LLP1 and LLP25 of the Local Luton Plan 2011-2031 (2017) (LP) in so far as they require high quality design that enhances the character of the area. It would further conflict with LP Policy LLP19 which requires, amongst other things, extensions to have the same scale, mass and design proportionate to the principal dwelling and surrounding properties, and a roof style and pitch in keeping with the original.

Other Matters

12. I acknowledge that the proposal would improve the quality of life of its occupants providing a living space that allows for modern living. I further recognise that the addition of a front dormer would increase natural surveillance over Hart Hill Lane. Whilst clear benefits of the proposal, I am not persuaded that a similar outcome couldn't be achieved without the harm I identify to the character and appearance of the host dwelling and the surrounding area, and they do not therefore justify the proposal before me.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

R Jones

INSPECTOR