
Appeal Decision

Site visit made on 14 November 2022 by T Bennett BA(Hons) MSc

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Ref: APP/B0230/D/22/3301904

1 Forrest Crescent, Luton, LU2 9AR

- 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 D Oakley against the decision of Luton Borough Council.
 - The application Ref 22/00196/FULHH, dated 18 February 2022, was refused by notice dated 17 May 2022.
 - The development proposed is the erection of first floor side extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the host dwelling and surrounding area.
 - The living conditions of the neighbouring occupiers at 78 and 80 Langford Drive (No 78 and No 80) with particular regard to outlook.

Reasons for the Recommendation

Character and Appearance

4. The appeal property is a two storey semi-detached dwelling, with a projecting two storey wing to the front, a characteristic feature of this style of property in the area. It is located in a run of similar paired properties at the beginning of Forrest Crescent, just past the junction with Langford Drive. There are two other styles of semi-detached properties on Forrest Crescent that all maintain a consistent scale and form with their adjoining neighbour, a key characteristic of the locality.
5. A small number of properties in Forrest Crescent have had single storey garage extensions to the side of the property, the exception to this is the appeal site which has a double garage to the side. As the appeal property sits in a large irregular shaped plot, the garage is comfortably accommodated. Although the garage has a large footprint it is set to the side and the flat roof is well below

the roofline of the main dwelling such that the original symmetry between the dwelling and its matching neighbour is still clearly evident and the garage has not unbalanced the composition of the existing dwelling.

6. Notwithstanding that it would be slightly recessed from the front wall and set down from the ridgeline the first-floor side extension would broaden the overall dwelling in a more conspicuous manner than the existing garage at ground floor level, appearing as an overly dominant addition in relation to the host property. Due to the substantial width of the existing garage the additional storey above it, and the associated roof structure, would elongate the dwelling and appear inconsistent with the scale of the original property. Moreover, it would detrimentally unbalance the pair of semi-detached properties and result in a noticeable lack of symmetry, inconsistent with the prevailing character and appearance of paired development in the area.
7. Due to the irregular plot shape and large rear garden and driveway at No 78, the gap between the appeal property and No 78 is relatively wide at the front of the site, albeit that it tapers towards the rear of No 80. As a result, visually the sense of space between the appeal property and No 78 would be maintained when viewed from the street. However, the lack of harm in that respect does not outweigh the harm already identified in terms of the design of the property and the erosion of symmetry.
8. For the reasons outlined above the proposal would be detrimental to the character and appearance of the host property and area. It would therefore conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan and the National Planning Policy Framework (the Framework). Together, amongst other matters, these require development proposals to be of a high quality design that improve or enhance the distinctiveness and character of the area and are proportionate with the existing property and neighbouring properties.

Living Conditions

9. No 78 is at a right angle to the appeal property, set in a generously sized plot on the corner of Forrest Crescent and Langford Drive. The existing flank elevation of the appeal property can be seen in views from the rear amenity space of No 78. However, as the front elevation of the appeal property is set back, it only spans half of the rear boundary and thus affords the occupiers more open views. Consequently, even with the increase in built form, due to the disposition of the plot the outlook would not be materially harmed.
10. Turning to No 80, the plot is not as deep as No 78 and existing building elevations are dominant in views from the rear garden, with the principal outlook being of the existing flank elevation of the appeal property and the rear of the garage at No 78. As the proposal would see the built form at first floor level projecting considerably closer to the boundary of No 80, as a result of the size and scale of the proposal, I share the concerns expressed by the Council that the proposal would be visually intrusive. It would further reduce the outlook, dominating views from the rear garden, creating a sense of enclosure that would be detrimental to the living conditions of residents of that dwelling.
11. Whilst I have found no harm to the living conditions of No 78, I have found harm to the living conditions of the occupiers at No 80. The proposed development would therefore conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan and the Framework which together seek to ensure

developments are well-designed and do not adversely affect the amenities of neighbouring occupiers.

Other Matters

12. The appellant has drawn my attention to three other extensions that have taken place at similar properties. Whilst these are noted, I observed no such examples in the immediate locality of the appeal site, with the examples provided located over 4 miles away. Whilst I accept the submitted proposal is an improvement on the other examples, it is not a reason for allowing this large extension, which I have found on its own merits would harm the character and appearance of the dwelling and area.
13. I acknowledge that there have been no objections received from neighbouring occupiers in respect of the development. However, I am required to assess the proposal on its merits and the absence of objections does not alter my findings with regards to the harm identified.

Conclusion and Recommendation

14. For the reasons given above, I conclude that the proposed development would be contrary to the development plan taken as a whole and there are no material considerations that would outweigh that. I therefore recommend that the appeal should be dismissed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR