



Appeal Decision

Site visit made on 13 December 2022

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal Ref: APP/B0230/W/22/3301975

271 Dunstable Road, Luton LU4 8BS

- 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 Matloob Ahmed against the decision of Luton Borough Council.
 - The application Ref 22/00269/FUL, dated 5 March 2022, was refused by notice dated 6 June 2022.
 - The development proposed is erection of first floor extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. No. 271 Dunstable Road is a single storey retail unit which is currently being used as a jewellery shop. Dunstable Road is made up of mostly 2 storey buildings, some of which nearby are used for retail on the ground floor. There is however a general mixed variation of design and massing along the street which includes 3 storey buildings. Not all rooflines in the area have a uniform height however when viewed together there is a sense of symmetry in the wider street scene. The appeal site is located with a small cluster of other retail units neighbouring and opposite the site.
4. No's. 271 and 273 are both single storey buildings with mono-pitched roofs, both of which are generally identical in outward appearance. As such, they stand lower and much smaller in mass than the neighbouring buildings and provide a transition between the neighbouring residential properties and adjoining row of commercial buildings.
5. The proposal seeks to erect a first-floor extension which would destroy the symmetrical arrangement with No. 273 and would fail to achieve an appropriate relationship with its neighbour. Although 2-storey in height the design of the roofline would mean that it would be set noticeably lower than that of the adjacent buildings. As a result of this, the effect would result in an unbalanced rhythm and it would fail to respond to the identity and character of this part of Dunstable Road.

6. The proposal would also result in the neighbouring building at 273 remaining at a single storey height, which combined with the space next to the appeal site would further exacerbate the uncharacteristic nature of the proposal.
7. In principle developments of town centre uses that propose flexible use of spaces to optimise the use of land and buildings for shared services and facilities are encouraged and therefore compliant with Policy LLP23 of the Luton Local Plan 2011-2031 Adopted November 2017. Furthermore, the Framework encourages upward extensions of commercial buildings albeit based on being consistent with the prevailing height and form of neighbouring properties and the overall street scene. On this basis, any presumption in favour of development is clearly outweighed by the comprehensive harm the proposal would cause to the character and appearance of the area.
8. For these reasons, I conclude that the proposed first floor extension would result in an inharmonious and incongruous feature on the street scene which unacceptably harms the character and appearance of the area. As such it would fail to comply with Policies LLP1 and LLP25 of the Luton Local Plan which, amongst other things, seeks to ensure that development responds positively to the street scene, enhances local distinctiveness and is consistent with the character of the area.

Other Matters

9. The Council have not provided details of a design guide or code however in the absence of this and as required by the Framework, I have had regard to the objectives for good design set out in the National Design Guide.
10. My attention has been drawn to other examples of first floor extensions granted at appeal however, from the details before me, it appears to me that these are located some distance away from the appeal site and the merits and context of these are materially different to those of the appeal proposal.
11. I note that the proposal is an efficient use of the space available and optimises higher densities which follows paragraph (V) of Policy LLP25 of the Local Luton Plan 2011-2031 Adopted November 2017, however this benefit does not outweigh the harm I have identified to the character and appearance of the area.

Conclusion

12. For the reasons set out above, and having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

D Wilson

INSPECTOR