
Appeal Decision

Site visit made on 6 February 2023

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2023

Appeal Ref: APP/B0230/D/22/3300018
810 Dunstable Road, Luton, LU4 0HG

- 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 Rafi Ahmed against the decision of Luton Council.
 - The application Ref. 22/00344/FULHH, dated 20 March 2022, was refused by notice dated 16 May 2022.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 810 Dunstable Road, Luton, LU4 0HG in accordance with the terms of the application, Ref. 22/00344/FULHH, dated 20 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01/03, 02/03, 03/03 and 04/04.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 01/03.
 - 4) The extension hereby permitted shall not be occupied until the proposed window in the side elevation has been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
 - 5) 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 or door openings other than those hereby approved shall be fitted within the side elevations of the building without the prior written permission of the Local Planning Authority.

Preliminary Matters

2. The Council's first reason for refusal suggests that the development would harm the visual amenities of the area. However, its evidence is clear that this

would not be the case, stating that “the development would not be readily visible from within the public domain. No material implications are, therefore, anticipated”.

3. Given that the extension is located to the rear of the property and would not be prominent from the public realm, I am inclined to agree that the character and appearance of the area would not be adversely affected. The concerns raised by the Council instead relate to the effects on neighbouring properties.

Main Issues

4. In light of the above, the main issue is whether the development would harm the living conditions of neighbouring occupants, with particular regard to any loss of light, outlook, privacy or visual intrusion to numbers 808 and 812 Dunstable Road.

Reasons

5. The proposed extension would protrude around 6m from the existing rear elevation of the building and would, therefore, involve a significant expansion of the property. However, its roof would incorporate a shallow pitch that would slope away from the neighbours, resulting in a modest height and minimising the mass of the extension close to the boundaries.
6. Number 808, to which the appeal property is attached, already has its own single storey extension, incorporating a blank brick side wall in part, and the obscure glazed side elevation of a conservatory, which is set away from the boundary slightly. The proposed extension would extend only a little beyond the neighbour's, which currently has no side facing views. As such, it would result in no harmful visual impact or effect on outlook. Nor would there be a material loss of light, bearing in mind the orientation of the buildings and the glazing on the other sides of the conservatory.
7. Number 812 is separated from the appeal property by their respective side passageways and a boundary fence. The proposed extension would be visible from its rear facing windows, but the outlook would remain predominantly towards the long rear garden. The scale and height of the proposed extension, as well as the degree of separation, are such that it would not be visually intrusive, result in a material loss of light or harm the neighbour's outlook.
8. I have had regard to concerns about cooking odours within the passageway but the proposed extension would not be likely to worsen the current situation.
9. A small obscure glazed window currently opposes the appeal property from No. 812. Its position within the side passageway is such that it opposes the existing building and so the proposed extension would have little impact in terms of light. Being obscure glazed, outlook would remain unaffected.
10. A window is proposed within the side elevation of the extension which would directly face No. 812. In order to avoid any loss of privacy or overlooking, it would be necessary to secure obscure glazing by way of a condition.
11. Overall, the development would not harm the living conditions of neighbouring occupants. As such, I find no conflict with the National Planning Policy Framework or Policies LLP1 and LLP19 of the Luton Local Plan (2017), so far as they seek to protect living conditions.

Conditions

12. I have attached conditions stipulating the standard time period for the commencement of development and specifying the plans to which the planning permission relates. In addition, it is necessary to secure the use of materials matching that of the existing building to ensure an appropriate appearance.
13. In order to avoid overlooking of the neighbouring properties, the proposed side facing window is to be obscure glazed and no new side facing openings are to be inserted without express consent.

Conclusion

14. In light of the above, the appeal is allowed.

Michael Boniface

INSPECTOR