



Appeal Decision

Site visit made on 30 January 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/B0230/D/22/3312991

36 Letchworth Road, Luton, LU3 2NU

- 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 Mohammad against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 22/01187/FULHH dated 21 September 2022, was refused by notice dated 4 November 2022.
 - The development proposed is described as first-floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for first-floor side extension at 36 Letchworth Road, Luton, LU3 2NU in accordance with the terms of the application, 22/01187/FULHH dated 21 September 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, Drawing No's: JJ22-0036 001, JJ220036 002, JJ220036 003 and JJ22-0036 004.
 - 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.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The site is within a predominantly residential area comprising semi-detached and terraced properties. Some properties in the area have been extended or altered and designs and materials of properties vary.
4. The appeal site is a two-storey extended property, which is not symmetrical to the adjoining semi-detached property (No. 38 Letchworth Road). The appeal property has a visible rear dormer addition when viewed from the front of the property, single storey pitched roof side extension and a front canopy porch.

5. I observed that it is not an unusual arrangement within the immediate area to have unsymmetrical features to an adjoining property for instance No. 40, a has a first floor side extension without set back from the main property close to the shared boundary in comparison to its paired semi-detached property No. 42 which does not have a first floor side extension. I find that the proposed development would not unbalance the pair of semi-detached properties nor the streetscene in general.
6. The Council has drawn my attention to a recent dismissed appeal¹ for a first floor extension. I understand that the Inspector found that the small set back proposed would fail to make the extension subordinate, and that the proposed development would reduce a gap between properties which was considered to be an important contribution to the streetscene. I note the streetscene in the dismissed appeal was uniformed in terms of semi-detached properties, gaps at first floor above garages and that the building line was unvarying within the immediate vicinity of the appeal site.
7. Properties in the area of the appeal before me whilst predominantly two storey, they differ in design, including building line, such as in the appeal site which is set back from the adjacent neighbouring property No. 34 Letchworth Road.
8. I observed during my site visit that many properties in the immediate area are built up to or close to the side boundary of plots. The character of the area does not have a sense of openness where gaps above side garages or between properties are an important feature. On this basis I do not consider that the dismissed appeal is comparable to the proposal before me. Nonetheless each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.
9. My attention has been drawn to a historic approval² at the site for a similar development to the one before me. This was approved at a time when different planning policies were in place and therefore, I give this approval limited weight.
10. Whilst no set back of the proposed extension from the existing building exists the proposed development does not project further forward than the existing single storey side extension and the original property. The width of the proposed development does not appear at odds with the original house, and due to the scale and set back from the adjacent property No. 34 the development would not appear incongruous.
11. The proposed development would not dominate the appeal property and would appear as subordinate to the original property. I conclude that the proposed development would not harm the character and appearance of the area.
12. There is no conflict with Policies LLP1, LLP19 and LLP25 of the Local Luton Plan 2011-2031 (2017) which seeks amongst other things to ensure developments are high quality design, preserving or improving the character of an area, and that an extension is of ancillary scale to the original building.
13. There is no conflict with the National Planning Policy Framework (2021) which seeks amongst other things to ensure developments are of good design appropriate and sympathetic to their surroundings.

¹ Appeal Ref: APP/B0230/D/21/3287744

² 90/00691/FUL

Conclusion and Conditions

14. For the above reasons I conclude that this appeal should be allowed.
15. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.
16. The Council have suggested conditions restricting the use of the proposed extension to Use Class C3 and removal of permitted development rights relating to windows in the flank elevation I am not persuaded that these restrictions are reasonable or necessary.

C Pipe

INSPECTOR