

Appeal Decision

Site visit made on 27 February 2023

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2023

Appeal Ref: APP/B0230/D/22/3313419

73 Stopsley Way, Luton, LU2 7UU

- 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 Lleshi against the decision of Luton Borough Council.
 - The application Ref 22/01222/FULHH, dated 26 September 2022, was refused by notice dated 21 November 2022.
 - The development proposed is a single storey rear extension and garage conversion (both permitted development) and first floor front extension projecting no further than existing front garage projection below.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and garage conversion and first floor front extension projecting no further than the existing front garage projection below at 73 Stopsley Way, Luton, LU2 7UU in accordance with the terms of the application, Ref 22/01222/FULHH, dated 26 September 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: JJ22-0073-001, JJ22-0073-002, JJ22-0073-003.
 - 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 Issues

2. There are two main issues. Firstly, the effect of the proposed first floor front extension and garage conversion on the character and appearance of the host dwelling, the semi-detached pair and the street scene of Stopsley Way; and, secondly, the effect of the proposed garage conversion on the biodiversity of the area and climate change.
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Reasons

3. The appeal dwelling is one of a row of similar, modern, semi-detached houses set on a regular building line behind short front gardens on one side of Stopsley Way, a residential cul-de-sac. The dwellings are architecturally unremarkable but all have a front projection at ground floor which originally comprised a garage and front porch. The appeal dwelling remains unaltered but at other dwellings alterations have been made including the conversion of the garage to habitable accommodation, roof alterations, including the addition of pitched roofs of various designs over the single storey front projection and side extensions which project forward to join the projecting garage and wrap around the dwelling. There is thus design variation in the street scene although no dwelling has a first floor front extension as proposed.
4. The Council does not object to the single storey rear extension and I agree this would be acceptable. I shall therefore restrict my further consideration to the garage conversion and first floor front extension.
5. The Council's objection to the garage conversion is restricted to the associated creation of an additional parking space on the frontage and loss of the front lawn. The appellant argues that this does not form part of the proposed development. Nevertheless, it is shown clearly on the submitted plans and the Council was, in my view, entitled to take it into account.
6. However, it is clear that other dwellings in the street have created enlarged areas of hardstanding with a similar loss of lawn and this has not caused undue harm to the street scene. Moreover, the appellant states that this alteration would be permitted development. Whilst I cannot confirm this, the Council does not suggest otherwise. Taking these matters into account I find that the loss of the garage as a parking space, whether or not a new space was created on the frontage, would not materially detract from the character or appearance of the host dwelling or the street scene.
7. Turning to the first floor extension, this would be over the existing front garage projection which has a depth of some 2.5m. It would be about 4.4m wide which is more than the remaining width of the front elevation but as the ground floor already appears to "hide" behind the front garage projection, extending this effect to the first floor would not be out of keeping or out of proportion with the dwelling as a whole. Neither would it breach the clearly defined front building line nor detract from the spaciousness of the street scene since the footprint would not be enlarged, the forward projection would be modest and the regular gap between the appeal dwelling and its non-attached neighbour would be preserved. The extension would have a pitched roof with a ridge height well below the ridge of the existing dwelling and a shallow front gable, corresponding to the shallow pitch of the main roof. This would ensure it remained subservient and sympathetic to the original dwelling. Moreover, it would not create a harmful imbalance with the attached neighbour.
8. The dwelling is one of the second pair in the row. The Council is concerned that the proposed extension, being clearly visible and the only one at first floor, would appear dominant and out of place in the street scene. However, the various alterations to the forward projecting garages, including pitched roofs, mean that they display limited uniformity. The proposed well designed,

proportionate and subservient extension which would be constructed using materials that matched those in the host building would not therefore materially alter or detract from the character or appearance of Stopsley Way.

9. It is concluded on the first main issue that the proposed first floor front extension and garage conversion would have no materially detrimental effect on the character or appearance of the host dwelling, the semi-detached pair or the street scene of Stopsley Way. In consequence, they would comply with Policies LLP1, LLP19 or LLP25 of the Local Luton Plan 2011-2031 (LLP), adopted 2017, the National Planning Policy Framework (NPPF) and the National Design Guide. Taken together, these expect extensions to dwellings to be of a high quality design, such that they are consistent with and proportionate to the principal dwelling, surrounding properties, the streetscape and the character of the area.
10. Turning to the second main issue, the Council refers specifically to the loss of biodiversity and effect on climate change arising if the front lawn was lost to create a parking space. However, it provides no evidence to support this contention and the delegated report makes no assessment of the ecological value, biodiversity or contribution to reducing the effects of climate change of the lawn. I have already found that its loss would not harm the character or appearance of the area. In the absence of any evidence to the contrary, it appears to me that the lawn is unlikely to have significant ecological interest or biodiversity and its contribution towards reducing climate change would be negligible. Moreover, it could be removed without the need for planning permission.
11. It is concluded on the second main issue that the proposed development would have no materially harmful effect on the biodiversity of the area or climate change. In consequence, there would be no conflict in this regard with LLP policies LLP1, LLP25 or LLP27 or the NPPF. Taken together, these expect new development to be of a high quality design such that, amongst other things, they include measures to protect, conserve or enhance natural assets and biodiversity.
12. The Council suggests two conditions in addition to the statutory commencement condition. I agree that the development should be carried out in accordance with the approved plans and in matching materials in order to protect the character and appearance of the area and for the avoidance of doubt.
13. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down
INSPECTOR