



Appeal Decision

Site visit made on 21 March 2023

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2023

Appeal Ref: APP/B0230/D/23/3316086

65 Overstone Road, Luton, LU4 8QY

- 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 Ms C Pusey against the decision of Luton Borough Council.
 - The application Ref 22/01519/FULHH, dated 23 November 2022, was refused by notice dated 18 January 2023.
 - The development proposed is the erection of a single storey rear extension with four roof lights following demolition of utility, for disabled adaptation.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension with four roof lights following demolition of utility, for disabled adaptation at 65 Overstone Road, Luton, LU4 8QY in accordance with the terms of the application, Ref 22/0519/FULHH, dated 23 November 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 plan:2237-02.
 - 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 extension on the character and appearance of the host dwelling, the adjoining terrace and the surrounding area; and secondly, the effect on the living conditions of occupiers of 63 Overstone Road with respect to light, overshadowing and outlook.

Reasons

3. The appeal dwelling is a traditional end of terrace house in a street characterised by other terraced dwellings of a similar age and design. To the rear the house appears disjointed with a mix of finishes to windows and doors. There is a small brick-built projection off part of the rear elevation which it is proposed to demolish. Overall, the rear elevation is architecturally
-

undistinguished. It is separated from its non-attached neighbour by a wide gap and a high, close boarded fence. The attached neighbour, No 63, is currently un-extended but footings are in place for a large rear extension which is understood to be a single storey addition, permitted in June 2022 under a Prior Approval notification. It is proposed to be some 6m deep with a flat roof and to extend across the full width of the dwelling. The fence between the two gardens has been removed in order to facilitate the construction of the extension at No 63.

4. The proposed single storey rear extension would project some 6m from the rear elevation of the original dwelling and extend across its full width. It would have a pitched roof with a central ridge and end gable which would be in keeping with the roof of the existing dwelling. Overall, it would be a significant addition. Nevertheless, it is clear that a similar extension is being constructed at the adjoining dwelling and I saw that deep rear extensions, both on their own and in combination with other alterations, including a first floor extension and a rear dormer, are seen on a number of dwellings in the terrace. These do not appear unduly disproportionate as a result of their depth. Moreover, this degree of extension is characteristic in the vicinity of the appeal dwelling. In consequence, it would not detract from the appearance of the host dwelling, the terrace or the surrounding area. Overall, taking into account the disjointed appearance of the existing rear elevation, I find that the proposed extension would be a positive addition.
5. It is concluded on the first main issue that the proposed single storey rear extension would have no materially detrimental effect on the character or appearance of the host dwelling, the adjoining dwelling or the surrounding area. In consequence, it would comply with Policies LLP1, LLP19 and LLP25 of the Local Luton Plan 2011-2031 (LP), adopted 2017, and with the National Planning Policy Framework (NPPF). Taken together these support development that accords with local plan policies which expect, amongst other things, extensions to dwellings to be of a high quality design that is ancillary to the principal building such that they are of a scale, mass and layout that is consistent with and proportionate to the principal dwelling, streetscape and character of the area.
6. Turning to the effect on living conditions, the Council expresses concern about the effects of the proposed extension on light and outlook at No 63. However, that position was adopted on the basis that No 63 might, despite the Prior Approval, remain un-extended. The Council's delegated report makes clear that if the adjoining property had an existing rear projection, such as that approved, there would be no impact but that without implementation, the Prior Approval could not be taken into account since the build might not take place. I agree with that assessment. Since it was clear at my site visit that the Prior Approval has been implemented and that the footings for a 6m extension have been completed I am satisfied that there is a clear intention to build the extension at No 63. Moreover, no representations have been made by the neighbouring occupiers. Once that extension is completed, the similar extension proposed would have no material effect on living conditions at No 63.
7. It is concluded on the second main issue that the proposed single storey rear extension would have no materially harmful effect on the living conditions of occupiers of 63 Overstone Road with respect to light, overshadowing or outlook.

In consequence it would comply with LP Policies LLP1, LLP19 and LLP25 and with the NPPF. Taken together and amongst other things these expect extensions to provide a high standard of amenity for existing and future users and in particular to ensure that it does not adversely affect nearby occupiers with respect to loss of light or visual intrusion.

8. Turning to conditions, 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 host dwelling and the surrounding area and for the avoidance of doubt.
9. 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