



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: B0230/D/23/3315139

52 St Michaels Crescent, Luton, LU3 1NA

- 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 Mrs Julia Byron-Hanley against the decision of Luton Borough Council.
 - The application Ref 22/01328/FULHH, dated 18 October 2022, was refused by notice dated 21 December 2022.
 - The development proposed is a single storey rear extension, front porch and internal changes.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension, front porch and internal changes at 52 St Michaels Crescent, Luton, LU3 1NA in accordance with the terms of the application, Ref 22/01328/FULHH, dated 18 October 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: 1612 – 01 rev B.
 - 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 single storey rear extension on the character and appearance of the host dwelling, the adjoining dwelling and the surrounding area; and secondly, the effect on the living conditions of occupiers of 54 St Michaels Crescent with respect to light and shadowing.

Reasons

3. The appeal dwelling is a traditional semi-detached house in a street characterised mainly by other semi-detached dwellings of a similar age. The proposed development includes a front porch with a front facing gable. The Council does not object to this, and I agree that it would be sympathetic to the
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character and appearance of the appeal dwelling and the street scene where similar gable features are typical.

4. To the rear, the house has been extended at two storeys with a flat roofed addition some 3m deep. This is undistinguished and detracts from the original character and appearance of the dwelling. The semi-detached pair, No 54, has a single storey, flat roofed addition of similar depth. There is a close boarded boundary fence some 1.8m high between the adjoining gardens.
5. The proposed single storey rear extension would project an additional 3m from the rear elevation of the two storey addition. Although it would have a flat roof this would echo nearby development, including the existing two storey extension, and would put a step into the existing rear elevation which would relieve its currently stark appearance. Taken in isolation the design is unremarkable and the roof would not reflect the original roof of the dwelling. However, in the context of the existing extension, it reflects the design approach and would provide an improvement to the appearance of the dwelling. The Council is concerned that an overall projection of some 6m from the rear elevation of the original dwelling would be disproportionate. However, I noticed that other similar dwellings nearby have been extended to the rear by a similar amount without appearing disproportionate. This degree of extension is thus characteristic in the vicinity of the appeal dwelling and would not detract from the appearance of the area. Overall, I find on balance that the proposed extension would be a positive addition.
6. 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. Although roof style is required to be in keeping with the original roof, in this case the consistency with the existing flat roof would be acceptable and achieve the objective of continuity.
7. Turning to the effect on living conditions, the Council identifies that the existing two storey rear extension at the appeal dwelling has some effect on living conditions when seen from first floor windows in No 54. However, since No 54 has a single storey extension that is level with the rear elevation of the extension at No 52 there is currently no effect at ground floor.
8. The proposed single storey extension would project 3m beyond the rear of both Nos 52 and 54. This would have the same effect on the ground floor at No 54 as a 3m single storey rear extension would have on an un-extended neighbour. This would normally be considered not to harm the living conditions of occupiers and in many cases would be permitted development. In this case, where the extension lies to the north and north-east of No 54 and would be separated by a close boarded fence, I am satisfied that the effect on both outlook and light would be acceptable. At first floor there would be no additional effect because

light would continue to reach the rear windows and outlook would be preserved above the roof of the extension.

9. 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 54 St Michaels Crescent with respect to light and shadowing. 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.
10. 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.
11. 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