



Appeal Decision

Site visit made on 16 May 2023

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 21 June 2023.

Appeal Ref: APP/B0230/D/22/3294282

15 Stanton Road, Luton LU4 0BH

- 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 P Surjit against the decision of Luton Borough Council.
 - The application Ref 21/01797/FULHH, dated 29 December 2021, was refused by notice dated 15 February 2022.
 - The development proposed is the demolition of a garage and the erection of new side and rear extensions.
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Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the host property and the streetscene, and (b) the living conditions of the occupiers of 13 Stanton Road.

Reasons

Character and Appearance

3. The proposed development includes roof, side and rear extensions to a bungalow situated within a primarily residential area where there are several other single storey dwellings. The appeal property is undergoing alterations following the granting of planning permission for single storey side/rear addition, with alterations to the roof (Ref 21/01543/FULHH), and a rear addition, being erected as permitted development, which was the subject of the prior approval process (Ref 21/01551/PARES). These elements are included as part of the appeal scheme and they provide a demonstrable fallback position to which significant weight is given.
4. A difference between the fallback position and the proposed development is the inclusion of an extension which would infill between the approved side and rear additions. The proposed infill extension would materially add to the scale of the additions associated with the fallback position. Cumulatively, the footprint of the additions and the infill extension would represent a disproportionate, rather than subservient, increase in the size of the property. The bulk and size of the resulting property would neither reflect nor respect the scale of the modest sized single storey dwellings which front Stanton Road.

5. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and the streetscene and, as such, it would conflict with Policies LLP19 and LLP25 of the Luton Local Plan (2011-2031) (LP). Amongst other matters these policies require high quality design and for extensions to dwellings to be proportionate in scale to the principle properties. These policies are consistent with the National Planning Policy Framework which seeks to promote high quality design. LP Policy LLP1 is a statement about the presumption in favour of sustainable development rather than a specific development management policy.

Living Conditions

6. The approved side extension would have a flank wall sited close to the shared boundary with 13 Stanton Road and would project about 4 metres from the rear elevation of the appeal property.
7. The infill extension element of the appeal scheme would result in a materially longer flank wall being sited adjacent to the shared boundary projecting about 8 metres beyond the original rear elevation of the property. By reason of the siting and length of the proposed flank wall, the appeal scheme would result in a significant sense of enclosure for the occupiers of No. 13 when viewed from this neighbouring dwelling's kitchen and living room windows, the conservatory and the garden. The massing of the proposed flank wall would visually dominate the outlook of the occupiers of No. 13 and result in an unacceptable sense of enclosure.
8. Reference is made by the Council to a window in the side elevation of No. 17. However, although it is unclear what type of room is served by this opening, the outlook towards the roof of the property from the window would be similar if the fallback scheme was erected. This would not be a reason for this appeal to fail but the matter is outweighed by the unacceptable harm which has been identified to the occupiers of No. 13.
9. On this issue it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 13 Stanton Road and, as such, it would conflict with LP Policy LLP19 which includes reference to extensions not adversely affecting the amenity of nearby occupiers. LP Policy LLP25 is primarily concerned with delivering high quality development and includes reference to the potential effects of new housing rather than domestic extensions.

Conclusion

10. Reference has been made by the appellant to another appeal scheme which was allowed (Ref APP/B0230/D/20/3260100) but this appeal scheme has been assessed on its own planning circumstances. Although significant weight is given to the fallback position, this matter is significantly outweighed by the unacceptable harm which has been identified. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR