



Appeal Decision

Site visit made on 15 June 2023

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2023

Appeal Ref: APP/B0230/W/22/3311506
262 Ashcroft Road, Luton LU2 9AE

- 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 S Ghunman against the decision of Luton Council.
 - The application Ref 22/01143/FUL, dated 5 September 2022, was refused by notice dated 20 October 2022.
 - The development proposed is erection of a first floor side extension, 3 rear dormers, 6 rooflights and alterations to fenestration to form additional one 3 bed and one, one bed flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect on the character and appearance of the area.
 - The effect on the living conditions of the occupants of neighbouring dwellings with regards outlook.

Reasons

Character and Appearance

3. The appeal site is a detached 2 storey property with long single storey extension in a prominent corner position at the junction of Ashcroft Road and Yeovil Road. The building functions as a shop on the ground floor with a residential flat above. The site forms part of a parade of shops but the predominant character of the area is residential comprising 2 storey semi-detached dwellings and bungalows with pitched roofs.
4. The proposed first floor extension over the existing single storey element would significantly increase the scale and massing of the building and therefore fail to be subordinate to the existing property. Whilst the development would stay within the existing building line, the height and depth of the development would create an imposing incongruous addition unsympathetic to the wider street scene. It would consequently fail to address the shortcomings in the appearance of the existing building and its contribution to the character and appearance of the area. The proposed pitched roof would do little to ameliorate the harm.

5. The appellant has identified proposed changes to the parking area as a benefit to the scheme. However, these can be achieved outside of the proposed scheme which limits the weight I attach to them. I do not share the view of the appellant that planning conditions could make the development acceptable.
6. The proposal would harm the character and appearance of the area. As such it would conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2011-2031. Amongst other things, these policies require new development to respond to and enhance local character and respond positively to the townscape, street scene, site and building context in terms of form, scale and height. Extensions should be ancillary in scale to the original/ principal building and be of a scale and massing that is consistent with and proportionate to the principal property, surrounding properties, the streetscape and character of the area.

Living Conditions

7. The outlook from the first floor window of the neighbouring property on Yeovil Road would be dominated by views of the proposal in close proximity. Views of the scale and massing of the development would have an oppressive impact that would not provide adequate living conditions for the occupants. For the same reason views of the scheme from the side windows and front garden of the neighbouring bungalow on Ashcroft Road would also be oppressive and therefore harmful to the living conditions of the occupants.
8. The development would harm the living conditions of the occupants of neighbouring dwellings with regards outlook. As such it would conflict with the part of Policy LLP19 of the Local Plan that requires that new development should not adversely affect the amenity of nearby occupiers in respect of matters that include visual intrusion.

Conclusion

9. For the reasons identified and taking into account all other matters, including the absence of objection from neighbouring properties, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR