



Appeal Decision

Site visit made on 4 July 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 21 August 2023

Appeal Ref: APP/B0230/D/23/3320063

77 Blakeney Drive, Luton LU2 7LB

- 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 Kazi against the decision of Luton Borough Council.
 - The application Ref 22/01536/FULHH, dated 16 December 2022, was refused by notice dated 7 February 2023.
 - The development proposed is the erection of second floor extension, a first floor side extension to the front canopy and alterations to the fenestration.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the host building and the area; and
 - The living conditions of neighbouring residents with particular reference to visual intrusion and the living conditions of the occupants of No 27 Beckham Close and 75 Blakeney Drive with particular reference to privacy and overlooking.

Reasons

Character and appearance

3. The appeal property is located within an established residential area comprising relatively new houses on an estate of predominantly two storey properties many arranged in cul-de-sacs. The appeal property is a typical example of houses on the estate being at the end of a cul-de-sac comprising six detached two storey houses set back on their plots behind front gardens. Further, the houses have complementary architectural features, including pitched roofs and similar fenestration where the ground floor has projecting bays windows and at first floor the tops of the windows are set just below eaves level. These complementary architectural and design features create a sense of harmony and uniformity which positively contributes to the character and appearance of the area.
4. The proposal would involve the introduction of an additional storey. Although the proposed development would not close the gap with any surrounding properties, would not involve an increase in the footprint and the roof style and pitch would be in keeping with the host building, the increase in height would result in a building with a scale and mass that would not be consistent with or proportionate to the principal dwelling or other surrounding properties.

5. Although I have taken account of the existing difference in height of the roofs of other houses in the vicinity, because the cul-de-sac slopes upwards and the appeal property is at the highest point, this would accentuate the proposed unacceptable increase in height. Further, the proposed second storey windows would cut across the eaves which would introduce an incompatible design feature at odds with surrounding properties. Consequently, the proposed second floor extension would unacceptably dominate the existing building and because of its height, scale, and incompatible design it would appear as an obtrusive and discordant feature in the streetscene.
6. The proposed first floor side extension would be set back from the front elevation of the host property and would appear proportionate and ancillary in scale to the principal dwelling, surrounding properties and to the character of the area. As a result, except for the additional storey, the other proposed elements, including the side extension, which I understand have previously received planning permission, would not have an adverse impact on the character and appearance of the host building or the wider area. However, that does not justify harmful development at the appeal site.
7. I accept that views from the estate roads are limited due to the appeal site being located at the top of the cul-de-sac. However, the harmful impact is apparent in views from this part of Blakeney Drive and consequently the incongruous and discordant proposal would be harmful to the character and appearance of the area.
8. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the host building and the area in conflict with Policies LLP1, LLP19 and LLP25 of the Local Luton Plan, 2011-2031, November 2017 (LLP). Amongst other things, these seek to ensure development is of a high-quality design that responds to and enhances local character and that the scale, mass, and design of an extension is proportionate and ancillary in scale to the principal dwelling, surrounding properties and character of the area.
9. The National Planning Policy Framework (Framework) supports opportunities to use airspace above existing residential premises. However, this is only if a proposed development would be consistent with the prevailing height and form of neighbouring properties and the overall streetscene. Given my findings, the development is also at odds with the Framework which seeks to ensure that developments are sympathetic to local character.

Living Conditions

10. The proposed development would result in additional rear facing bedroom/dressing area windows that would face towards the rear of No 27 Beckham Close (No 27). However, there are already a number of first floor bedroom windows that face in that direction. Although the proposed second floor windows would be at a higher level, they would not be any closer than the existing windows and as a result, the proposal would not result in a significant additional loss of privacy or overlooking for the existing occupants of No 27.
11. Further, any views from the proposed new windows towards No 75 Blakeney Drive (No 75) would be at an oblique angle and would be expected within a residential area. As a result, the proposal would not result in a harmful degree of overlooking or loss of privacy for the existing occupants of No. 75.

12. Although the proposal would result in a higher and larger building, it would be set away from any common boundaries by a sufficient distance to ensure that it would not appear overbearing or visually intrusive when viewed from any surrounding properties.
13. I therefore conclude that the proposal would not have an adverse impact on the living conditions of neighbouring residents due to visual intrusion or result in an unacceptable loss of privacy or overlooking for the existing occupants of No 27 Beckham Close and 75 Blakeney Drive. Therefore, the proposal would comply with Policies LLP 1, LLP19 and LLP25 of the LLP which amongst other things seek to create high quality places that do not adversely affect the amenity of nearby occupiers in respect of visual intrusion, loss of privacy and/or overlooking. The proposal would also accord with the Framework which seeks to retain a high standard of amenity for existing and future users.

Other Matters

14. As set out above, except for the additional storey, I have found that the other proposed elements would be acceptable. The appellant has been granted planning permission for certain elements that overlap with the appeal proposal, and they have queried whether I would consider issuing a split decision.
15. The appeal proposal involves a comprehensive redevelopment of the existing house as shown on a number of the submitted plans. These include a plan showing the proposed elevations and plans showing the proposed floor plans. There is not an elevation plan that shows a scheme without the additional storey. Furthermore, the first floor plan shows stairs going up to the second floor and I note that the layout of the bedrooms is different from the scheme granted planning permission.
16. As a result, it would not be straightforward or desirable to sever those elements that I would be allowing from those I would be dismissing. Similarly, it would not be possible to impose a condition requiring that the permitted development is carried out in accordance with specific plans as the plans show all elements of the proposal and this could lead to significant uncertainty about what parts of the proposed development have been granted planning permission and what parts have been dismissed. Consequently, I do not consider it appropriate to issue a split decision.

Conclusion

17. I am satisfied that the proposal would not have an adverse impact on the living conditions of neighbouring residents due to visual intrusion or result in an unacceptable loss of privacy or overlooking for the existing occupants of No 27 Beckham Close or 75 Blakeney Drive. However, for the reasons I have set out, the proposal would be unacceptably harmful to the character and appearance of the host building and the area. Overall, I conclude that the proposal would conflict with the development plan and there are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

S Rawle

INSPECTOR