

Appeal Decision

Site visit made on 31 July 2023

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2023

Appeal Ref: APP/B0230/D/23/3321179

108 Wardown Crescent, Luton LU2 7JT

- 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 Omar Dar against the decision of Luton Borough Council.
 - The application Ref 22/01633/FULHH, dated 20 December 2022, was refused by notice dated 13 March 2023.
 - The development proposed is a single storey front/rear and 2 storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effects of the proposal on:
 - i) The character and appearance of the local area;
 - ii) Living conditions at neighbouring properties; and
 - iii) The safety of public highway users, with reference to on-site parking provision.

Reasons

Character and appearance

3. Wardown Crescent is a residential street of semi-detached houses, many of which have rendered walls at first floor level and 2 storey height bay window features at the front. No 108 is typical in this respect. The proposal is to build an extension that wraps around the building – 1 storey at the front, 2 storeys to the side and rear, then dropping down to a single storey at the back and next to the other half of the pair, No 106. The main 2 storey extension would sit flush with the existing main front wall of the house.
4. Luton Local Plan 2011-2031 (LP) policy LLP19 says that domestic extensions should be of ancillary scale to the house, respecting prevailing gaps and spaces between buildings. The Council does not refer to any published design guidance, but says that the first floor side extension should be set back by 1 metre and set in no less than 0.5 metres from the side boundary.

5. There are several examples nearby where similar houses have been extended without any set back at the front. Although these may all have been approved before the LP came into force they do form part of the established character of the street so that the proposed design would not look out of place. The use of matching render could obscure the join between old and new so that the extension could fit in more or less seamlessly. The plans show the extension sitting nearly 0.5 metres from the side boundary. Even if this tapers away at the back there would still be a clear visual gap between Nos 108 and 110 next door, with views over the top of No 110's single storey flat roofed garage maintaining a sense of spaciousness.
6. The pair of semi-detached houses would no longer be symmetrical, but this is normal when such houses are extended. In this case it would be unremarkable within a street scene containing similar buildings. The bulk of the extension could be seen in angled views from the street, but it has been designed to drop down at the back, minimising this impact. The front extension would be small - in scale and in keeping with others in the street.
7. I conclude that the proposal would not harm the character and appearance of the house and the local area. It therefore accords in this respect with the aims of LP policies LLP1, LLP19 and LLP25 and the National Planning Policy Framework (the Framework), to secure high quality design, with extensions being consistent with and proportionate to the principal dwelling and the surrounding area.

Living conditions

8. The Council's concern here is about visual intrusion, but the neighbours to either side also raise issues about an overbearing effect, loss of light and loss of privacy.
9. The extension's 2 storey side wall would sit very close to the boundary with No 110 and extend well to the rear of that house, so that it would loom over and dominate views from No 110's immediate rear garden. It would furthermore sit directly to the south of No 110 where it would heavily overshadow that garden space in the middle of the day. Although the gardens do slope up at the back, the area just to the rear of No 110 appears to be relatively level and would be unduly affected by the proposed development.
10. On the other side, the extension would step down to a single storey next to No 106, reasonably minimising its impact. The only side window proposed would be obscure glazed, to protect privacy. I nevertheless conclude that the proposal would unacceptably affect the outlook from and light to No 110. It conflicts in this respect with the aims of the same policies quoted above, and in particular policy LLP19, to ensure that domestic developments do not adversely affect the amenities of nearby occupiers.

Highway safety

11. At present the property has 1 off-street parking place at the front. There is a detached garage in the back garden, but the access to this is closed off by a fence that appears to have been in place for some years. The proposal includes an increase to 3 parking spaces at the front. There appears to be sufficient room for this.

12. The submitted plans show an increase from 3 to 4 bedrooms. LP policy LLP32 and Appendix 2 set maximum parking standards of 2 spaces for 3 bedroom properties and 3 spaces for 4 bedrooms. The 3 spaces shown on the plan would thus equal the indicated standard, although there would be no conflict with these *maximum* standards in any case.
13. The street here is relatively straight and level, with good visibility, a low speed limit and no parking restrictions. I see no overriding highway safety or traffic flow problems if the use of the extended property led to some minor increase in demand for on-street parking.
14. I conclude that the proposal would not prejudice the safety of public highway users. It accords with the Framework's aim to prevent unacceptable impacts on highway safety and with the parking standards set out in the LP.

Other matters

15. I have had regard to all other matters raised. I recognise the appellant's reasonable wish to provide more space for his growing family. This is not sufficient, however, to override my concerns about this particular proposal.

Conclusion

16. Although I find in favour of the appellant on 2 of the 3 main issues, my findings in regard to neighbours' living conditions at No 110 are sufficiently compelling for me to conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR