



Appeal Decision

Site visit made on 31 July 2023

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2023

Appeal Ref: APP/B0230/D/23/3320636

69 Manton Drive, Luton LU2 7DJ

- 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 Mohammad Shakeel Ghaus against the decision of Luton Borough Council.
 - The application Ref 22/01329/FULHH, dated 7 November 2022, was refused by notice dated 27 March 2023.
 - The development proposed is the erection of a single storey rear outbuilding (retrospective application).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear outbuilding (retrospective application) in accordance with the terms of the application Ref 22/01329/FULHH, dated 7 November 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1316/101A, 1316/201D and 1316/202A.
 - 2) The materials to be used in the construction of the external surfaces of the walls of the outbuilding hereby permitted shall match those used in the existing house.
 - 3) The outbuilding hereby permitted shall not be used unless and until a green roof has been constructed over the outbuilding in accordance with details first submitted to and approved in writing by the local planning authority. The green roof shall thereafter be retained as approved, for so long as the outbuilding remains in existence.
 - 4) The outbuilding hereby permitted shall not be used unless and until flood risk mitigation measures have been installed in accordance with details first submitted to and approved in writing by the local planning authority. The flood mitigation measures shall thereafter be retained as approved, for so long as the outbuilding remains in existence.

- 5) The outbuilding hereby permitted shall only be used for purposes incidental to the dwellinghouse at 69 Manton Drive and shall not be occupied as separate or self-contained living accommodation.
- 6) The roof area of the outbuilding hereby permitted shall not be used as amenity space and shall only be accessed for maintenance purposes.

Main issues

2. The main issues are the effects of the proposal on:
 - i) The character and appearance of the local area; and
 - ii) Living conditions at neighbouring properties.

Reasons

Character and appearance

3. 69 Manton Drive is a semi-detached house within a residential area, altered and extended to give it a more modern appearance than most others in the vicinity. The back gardens on this side of the street slope down sharply to the rear. Within this space, cut into the slope at basement level and separated from the house by a retaining wall and patio area, the appellant has built a large, flat roofed outbuilding, the shell of which was nearly complete when worked was stopped for the planning submission. This is proposed for use as a home office, gym and storage.
4. The outbuilding is sizeable but its bulk is visually contained within the land form and the existing boundary fences. The most visible element is the large, bare expanse of flat roof which detracts from local character even though it can only be seen in private views from neighbouring houses. The railings that have been installed around the edges of the roof further compound its visual impact, but these are not shown on the submitted plans. The appellant indicates that the roof would be finished as a green roof, which would help it to blend into its surroundings. A substantial area of the long garden remains. Removal of the railings and installation of the green roof, together with the building's very low profile, would ensure that the building would not appear to be cramped on the site or otherwise visually harmful.
5. The Council also raises an issue about whether the size of the outbuilding would be greater than would be reasonably required to serve a purpose incidental to the enjoyment of the house. Luton Local Plan 2011-2031 (LP) policy LLP19 says that domestic extensions and annexes should be of ancillary scale to the main house. Although large for an outbuilding, this structure is much smaller than and reasonably proportionate to the house. Sitting at a much lower level, it is very much a subsidiary feature. Even if considered cumulatively with other increases at the property, this proposal does not appear to out of scale so as to cause harm to local character. Concerns about the ongoing use of the building can be addressed by a condition, as set out below.
6. I conclude that, subject to appropriate conditions, the proposal would not harm the character or appearance of the local area. It would accord with the shared aims of LP policies LLP1, LLP19 and LLP25 and the National Planning Policy Framework, to secure high quality design with extensions and other domestic

developments being consistent with and proportionate to the principal dwelling and the surrounding area.

Living conditions

7. The Council accepts that the outbuilding does not have a material impact on neighbours in terms of loss of light and loss of outlook. Its concern is about visual intrusion. The downward slope of the back gardens, however, gives neighbouring properties wide, open views at the back. The low set outbuilding would have little impact visual impact within this context. As seen from lower down in the neighbours' gardens, it is not much different in height to the existing boundary features.
8. There would be intrusive overlooking of neighbouring properties if the outbuilding's roof were to be used as a roof terrace. Such use would therefore need to be restricted by condition.
9. Subject again, therefore, to appropriate conditions I conclude that the proposal would not harm neighbours' living conditions. It accords in this respect with the aims of the same policies and in particular LP policy LLP19, to ensure that domestic developments do not adversely affect the amenities of nearby occupiers.

Other matters

10. I have considered all other matters raised, including the objections of a neighbour. I note the concerns about future development of the property, but can only consider this one proposal here. Any further developments would need to be addressed separately, through other planning applications where required. I also note the concerns about the use of a private access way in the construction process. This is a private matter, also outside the scope of this decision.

Conditions

11. I impose a condition specifying the relevant plans to provide certainty. Conditions requiring the use of matching wall materials and details of the green roof are needed to protect local character and appearance. The Lead Local Flood Authority (LLFA) advises that the application site is within or adjacent to an area designated as a flood zone and that it must be ensured that the extension is suitably protected against any risk of flooding from the River Lea. In the absence of any specific details about flood levels, a condition is necessary, as recommended by the LLFA, to protect occupiers from flood risk.
12. This domestic outbuilding is permitted for use as part of the existing dwelling only. Given its size and separation from the house, however, a condition clarifying and restricting its use is reasonably necessary to ensure that it is not used as a separate dwelling. The Council has suggested that this condition should specifically rule out installation of a kitchen, but this would be a vague and unnecessary additional clause. Finally, a condition preventing access to the roof except for maintenance purposes is needed to protect neighbours' privacy, as set out above. I have amended the wording of the suggested conditions in places in the interest of clarity.

Conclusion

13. For the reasons set out above, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR