The Planning Inspectorate

Appeal Decision

Site visit made on 3 October 2023

by Nick Bowden BA(Hons) DIP TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2023

Appeal Ref: APP/B0230/D/23/3322628
2 Ailsworth Road, Luton LU3 2UG

- 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 M A Qayum against the decision of Luton Borough Council.
- The application Ref 23/00321/FULHH, dated 19 March 2023, was refused by notice dated 12 May 2023.
- The development proposed is a single storey rear lobby.

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear lobby at 2 Ailsworth Road, Luton LU3 2UG in accordance with the terms of the application, Ref 23/00321/FULHH, dated 19 March 2023, subject to the following conditions:

   1) The development hereby permitted shall begin not later than three years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: 6614-30, 6614-31, 6614-33.

   3) The materials to be used in the external construction of the extension shall match those of the existing building.

Main Issue

2. The main issue is the effect on the character and appearance of the host property and the area.

Reasons

3. Number 2 Ailsworth Road comprises a detached dwelling finished in white render within a primarily residential area comprising a mix of detached, semi-detached and terraced dwellings. The property has been much altered recently as is noted in the site's planning history.

4. The proposed rear lobby would link the main part of the house to a detached outbuilding that contains a swimming pool. The lobby extension, of itself, is small however its effect would be to link the existing house through an appropriate transition with a matching flat roof to the long swimming pool building to create a rear projecting wing. As a result, the combined length of built form to the rear of the host building would be substantial.

5. However, to all intents and purposes, barring a narrow gap between the existing house and swimming pool building, this effect is already occurring. The addition of the rear lobby would make negligible difference. Furthermore, in the particular circumstances of this case, the single storey rear wing would be

located relatively close to the gable end of number 4 Ailsworth Road. That neighbouring property lies in a set back position relative to number 2. The pattern of built form beyond, continues in a similarly stepped arrangement of front building lines and therefore, built form has the perception of progressively projecting further towards the rear boundaries. As such, those particular circumstances provide an opportunity for the significant cumulative depth of built form to the rear of the appeal property arising from the proposal to assimilate appropriately and not appear unduly prominent or incongruous relative to properties close by.

6. The existing swimming pool building is not readily visible in the street scene, excepting through some fleeting gaps between houses. The rear lobby extension itself would not be visible in the public realm at all. It follows that the proposal would not have an unacceptable impact on the character and appearance of the street scene.

7. I accept that this form of development, that results in a substantial addition of considerable depth to the rear of the host dwelling, is not one desired by the Council. However, I am satisfied that the proposal would not set an unwanted precedent for similar extensions elsewhere given the particular circumstances I have set out previously that influence the absence of harm in this case.

8. The proposed development would not harm the character of the host building or the area. The proposal, therefore, does not conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2017. These policies, when taken together and amongst other things, seek high quality design including that proposed extensions will not be detrimental to the existing design and character of the building and surrounding area. The policies are consistent with the design objectives of the National Planning Policy Framework to which there is also no conflict.

Conditions

9. I have imposed a time limit for the implementation of the permission and adherence to plans for certainty. I have further applied a condition on materials to match the existing building such that it integrates satisfactorily.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed.

Nick Bowden

INSPECTOR