



Appeal Decision

Site visit made on 4 October 2023

by C Billings BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2023

Appeal Ref: APP/B0230/D/23/3324895

3 Toland Close, Luton LU4 0BW

- 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 Wood against the decision of Luton Borough Council.
 - The application Ref 23/00121/FULHH, dated 17 February 2023, was refused by notice dated 21 April 2023.
 - The development proposed is the erection of a two-storey front & rear & single storey rear and side extensions, alterations to roof to include two rear dormer windows and three front rooflights to facilitate a loft conversion and alterations to fenestration.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has provided details of a recent decision made by the Council in respect of an application under Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015, for a single storey rear extension at the appeal property. I have had regard to this in reaching my decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the host dwelling and surrounding area, including whether it would result in the overdevelopment of the site; and,
 - the living conditions of the occupiers of No 2 Toland Close, in respect of outlook in relation to the single storey rear extension.

Reasons

Character and appearance

4. The appeal property is a pitched roof, 2 storey detached house at the end of a cul-de-sac. All properties within Toland Close are 2-storey dwellings with pitched tiled roofs. The appeal property is of similar design to its neighbours at Nos 1 and 2, with side gables, built of red brick with elements of tile hanging and a single storey garage/porch projection to the front. There is variety within the street scene in Toland Close, with some properties having front gables and elements of render. This includes No 4 which has been extended and altered to

include a pitch roof rendered gable extension and modern flat roof porch feature to the front elevation.

5. Having regard to the local context and the alterations that have taken place at No 4, the scale and form of the proposed 2-storey front gable extension and porch design would harmonise with the character of the street scene and design of other surrounding properties. The scale of the proposed two-storey extension to the front would appear subordinate to the original dwelling, as it would only extend out approximately 1 metre, across part of the width of the property and have a ridgeline lower than the main ridgeline of the host dwelling.
6. However, the proposed design elements used on the front 2-storey extension and alterations to the front elevation would not be in keeping with its surroundings. In particular, the proposed fenestration design of the extension and front elevation, including the floor to ceiling windows and the glass triangle window in the peak of the gable of the proposed extension are not design elements found in the surrounding area and would not reflect the design of the host dwelling. As a result, the proposed 2-storey front extension and alterations to the front elevation of the appeal property would appear at odds with the character and design of the original host dwelling and neighbouring properties, and so would be incongruous in the street scene.
7. Also, whilst there are notable examples of cladding materials used on dwellings within Toland Close, including tile hanging on the front elevation of the appeal property and Nos 1, 2, 7 & 8 Toland Close and render used on some properties, timber cladding is a less prominent design feature used on properties within Toland Close. The use of timber cladding on the rear of the property and as limited accent features on the front elevation would not negatively influence the character of the street scene. However, the proposed timber cladding elements on the front elevation, in combination with the proposed unsympathetic fenestration design, would result in the appeal dwelling appearing discordant within its immediate setting.
8. The proposed alterations to raise the main ridgeline of the dwelling by approximately 400mm and creation of a flat top to the main roof line, would create an overly bulky roof form. The proposed increase to the ridgeline would be particularly noticeable within the street scene in the context of the appeal property. It would disrupt the existing harmonious ridge lines along the row of three similar properties (Nos 1-3). Also, as the appeal property lies directly at the end of the cul-de-sac, the proposed extension to the roof would appear overly prominent in the street scene when viewed on approach from Stanton Road.
9. The proposed extensions at the rear of the property would be large and bulky. The proposed 2-storey rear extension would unsympathetically increase the overall bulk of the main roof of the property, by extending higher than the existing ridge line, creating a flat top design, and including two large flat roof dormers at the rear. This would create a top-heavy appearance to the rear of the dwelling, which would not be subordinate to the original host dwelling.
10. The proposed single storey rear extension would be large, having a resultant footprint (excluding the removal of the existing conservatory) approximately the same size as that of the original host dwelling. Whilst it is possible to have a large single storey extension under permitted development rights, as

demonstrated by the recent prior approval application, the combination of the proposed large single storey extension and the proposed 2-storey extension across the full width of the rear of the property, would form overly bulky and dominant additions to the rear of the dwelling. Taken as a whole, the proposed additions at the rear of the property would not therefore respect the original form, scale, and mass of the original host property.

11. The overall plot size of the appeal property is large and so would be able to accommodate the proposed extensions, leaving sufficient garden space for the enjoyment of the occupiers of the property. The resultant build to plot ratio would also be comparable to that of other dwellings in the immediate surrounding area. Therefore, the proposal would not result in the over-development of the site.
12. Limited evidence has been provided in respect of the examples of other properties in Luton Borough which have had large extensions although, according to the appellant, some occupy smaller plots than the appeal dwelling. I do not have the full details of these examples to allow comparison with the proposal and, note these examples are not located close to the appeal site. Therefore, the examples do not influence the character and appearance of the appeal site and accordingly I have attributed neutral weight to this evidence. I have made my decision based on the individual merits of the proposed development.
13. In view of the above, whilst the proposed development would not result in the over-development of the site, the proposals would harm the character and appearance of the host dwelling and the street scene, in conflict with Policies LLP19, LLP1, and LLP25 of the Luton Local Plan (LLP) and the Framework, which require, amongst other matters, new development to respect the character of a surrounding area. The proposed development also conflicts with Policy LLP19 as it requires extensions to dwellings to be consistent with and proportionate to the principal dwelling.

Living conditions

14. The proposed single storey extension to the rear would have a large footprint comparable to the existing host dwelling. The total depth of the rear extensions would project out to the rear of the appeal property to approximately half the length of the rear garden of No 2 Toland Road (No 2).
15. Despite the footprint and depth of the proposed single storey extension, due to its proposed position set away from the boundary fence shared with No 2 and flat roof design, its visibility from the rear garden of No 2 would not be significant. In addition, the existing close boarded boundary fence between the appeal site and No 2 would partly obscure the proposed single storey extension, reducing its dominance from the rear garden of No 2.
16. The garden of No 2 is fairly open with no notable large buildings or vegetation close to its rear garden boundaries, which together with the proposed single storey extension would create an unduly boxed-in feel to its rear garden, detrimental to the open spacious feel its rear garden area.
17. In view of the above, the proposed single storey rear extension would not be harmful to the living conditions of the occupiers of No 2 Toland Close with regard to outlook and so, would not conflict with Policies LLP19 and LLP25 of

the LLP and the Framework, which seek, amongst other matters, to protect neighbouring amenity.

18. Policy LLP1 of the LLP relates to the presumption in favour of sustainable development and does not directly refer to living conditions or the amenity of neighbours. Therefore, it is not relevant to this main issue of concern.

Other Matters

19. Whilst the appellant has proposed changes to the scheme, the appeal process is not the appropriate time to consider design changes to a proposal. It would also not be fair or reasonable to require design changes to the fenestration and external materials via condition, as relevant parties would not have had opportunity to fully consider such amendments.
20. The proposed roof lights to the front roof slope would not in isolation be harmful to the character and appearance of the host dwelling and its surroundings. However, as they form a composite part of the alterations to extend the main roof, they could not be constructed separately from the other parts of proposal which I have found would be harmful.
21. The benefits of installing latest design features within the proposal and providing improved and larger accommodation for the occupiers of the appeal property are appreciated. The existing dwelling is however a reasonably sized detached property and I do not have any substantial evidence to show how the existing accommodation is substandard or causes detriment to the living conditions of the existing occupiers. Therefore, these benefits are afforded limited weight, which would not outweigh the harm identified.
22. Whilst the Council finds parts of the proposed extensions to be acceptable in principle, this does not weigh in favour of the proposals, nor outweigh the harm identified.
23. The lack of contact from the Council during the application process and concerns regarding the verification procedures of the Council are not material planning considerations that influence my decision.

Conclusion

24. I have found in the appellant's favour with regard to the second main issue. However, the harmful effect of the proposal on the character and appearance of the host dwelling and area do not outweigh this favourable finding. I have found conflict with the development plan when read as a whole and, there are no other material considerations which would outweigh this conflict.
25. For the reasons given above, I conclude that the appeal should be dismissed.

C Billings
INSPECTOR