
Appeal Decision

Site visit made on 7 November 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th November 2023

Appeal Ref: APP/B0230/D/23/3329711
38 Ambleside, Luton LU3 2SF

- 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 Hoque against the decision of Luton Borough Council.
 - The application Ref 23/00556/FULHH, dated 15 May 2023, was refused by notice dated 6 July 2023.
 - The development is described as the retention of erection of front porch and alteration to fenestration.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The development sought is in place. It is broadly consistent with the details shown on the plans.
3. Retention is not an act of development under the above Planning Act. I have assessed the development as one that seeks retrospective planning permission.
4. An interested party raises concern that the dimensions of the extension as shown on the submitted drawings are inaccurate. I have taken this concern into account in my assessment of the development, which is based on all the evidence before me and a thorough inspection of the site and its surroundings. On that basis, I am satisfied that the details of the appeal scheme as illustrated on the plans and detailed in the written evidence allow a reasonable assessment of the development sought.

Main issue

5. The main issue is the effect of the development on the character and appearance of the host building and the local area.

Reasons

6. The appeal property is a semi-detached house with a mansard style roof. It addresses Ambleside, along which broadly matching pairs that are similar in style to No 38 are arranged in small groups that each follow a common front build line. Some properties close to the site have been externally altered and so there is some variation in their general appearance. Nevertheless, there remains broad uniformity to the character and appearance of the existing built form within the local street scene to which No 38 belongs, which is distinctive. The site is not within a conservation area nor is No 38 a listed building.

7. The front extension is single storey, and it includes a hipped roof. It is modest in scale, simple in design with an appropriate eaves level. However, the extension projects noticeably forward of the main front wall of No 38. In doing so, the development disrupts the predominantly flat front of the host building. As a prominent feature that is highly visible from the road, it also unduly disturbs the unassuming façade of the dwelling. As a result, the extension detracts from the intrinsic character and appearance of the appeal property.
8. By introducing new built form to one side of the front elevation of No 38, the development causes an awkward imbalance within the pair given that the attached property has not been extended at the front. That the extension includes light brown bricks with red bands and red tiles, which differ to the darker grey tiles of the main roof of No 38 and its attached counterpart, also draws the eye from the road. The sharp contrast in colours has a jarring effect. The harmful visual impact of the extension could not be mitigated by changing the colour of the extension with masonry paint.
9. I saw that 30 Ambleside includes a front extension that is similar to the development before me. As the only other example of such development along Ambleside, I am unable to conclude that the appeal scheme reflects a prevailing characteristic of the local area. I also saw that the ground floor of some dwellings close to the site are clad in different materials. Nevertheless, no visual disharmony results since the original form, front building line and intrinsic character of these houses have been largely retained. Indeed, I share the Council's concern that the proposal, if allowed, could set an undesirable precedent given the similarity in the built form and layout of houses along Ambleside that would further harm the character and appearance of the area.
10. I agree that the character of an area, which is the sum of all the qualities that distinguish the locality, will evolve as various changes take place. In my experience, dwelling extensions and alterations offer an opportunity to add visual interest to the host building and diversity to its context. I also note that various improvements have been carried out to several properties along Ambleside for which grants were available to fund the works. However, in this case, the front extension is a highly discordant feature and an unwelcome addition to the local area for the reasons given.
11. On the main issue, I conclude that the development causes significant harm to the character and appearance of the host building and the local area. Of the policies cited by the Council that are most relevant to this issue, the appeal scheme conflicts with Policies LLP19 and LLP25 of the Luton Local Plan 2011-2031. Collectively, these policies promote high quality design and aim to ensure that the design and external materials of extensions are consistent with the principal dwelling, surrounding properties, the streetscape, and the character of the area. It is also contrary to the National Planning Policy Framework, which states that developments should be sympathetic to local character and add to the overall quality of the area.
12. The appellant states that the appeal dwelling falls within the definitions set out in the Housing Act 1984, which amongst other things provides for alterations to be made to certain types of property to resolve defects. I acknowledge that buildings often need to be adapted to also reflect the changing needs of users and that a porch can offer practical benefits to occupiers. It can provide shelter; valuable extra space; and a useful transition from the home to the

street. It can also improve energy efficiency of the building and make efficient use of land. These factors contribute to the dimensions of sustainability and support the appellant's case. The living conditions of others and ecology interests would not be adversely affected, and I have no concerns in relation to highway safety, access, and vehicle parking. Taken individually and together, these matters do not outweigh the significant harm that I have identified.

13. An interested party raises additional concern that the front extension has breached the covenant to the property and relevant Party Wall legislation, caused damage during construction and has involved land beyond the appellant's ownership. These matters are beyond the remit of this appeal.

Conclusion

14. Overall, the development conflicts with the development plan, when read as a whole. There are no material considerations, including the policies of the Framework, which indicate that the decision should be taken other than in accordance with the development plan.
15. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR