
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: 23.11.2023

Appeal Ref: APP/B0230/D/23/3328827

1A Ludlow Avenue, Luton LU1 3RW

- 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 Zafar Iqbal against the decision of Luton Borough Council.
 - The application Ref 23/00420/FULHH, dated 14 April 2023, was refused by notice dated 27 July 2023.
 - The development proposed is the erection of first floor side/front extension, replacement of existing flat roof into hip roof.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building, the street scene, and the local area.

Reasons

3. The appeal property is a mainly 2-storey detached house of individual design within a predominantly residential area wherein detached dwellings that vary in style, size, detailing, and general appearance predominate. Consequently, there is some variety to the existing built form in the street scene and the local area to which No 1A belongs. The appellant's contextual analysis reaches a similar conclusion. The site does not fall within a conservation area.
4. The proposal includes a first-floor extension above the flat roof garage that projects forward of the main 2-storey front wall. The new addition would be no further forward than the existing garage. Consequently, the staggered front build line of the dwelling would remain unchanged as would its position set back from the road behind a driveway, front garden, and a partly open highway frontage. This arrangement would retain a sense of space around the sides and front of the finished building with no strong impression of overdevelopment of the plot. The external materials to be used would match those of the host building, which would be appropriate.
5. However, the proposed extension would result in a 2-storey forward projection with a dual pitched roof and a large gable end facing the road. When seen from the highway, it would appear significantly taller and more substantive than the existing garage. The additional built form would also cause the front projection of No 1A to gain prominence relative to the main house and within the street scene. Due to its elevated and forward position, the visual impact of

the proposal on the host building and the streetscape would be proportionally much greater than might be implied by simply comparing the size of the new extension to that of the main house.

6. The proposed gable would also be a new and significant feature of the new front elevation. It would be set noticeably forward of the existing front gable. Even so, the proposal would give rise to 2 such features, each being large and prominent, close together in the front façade. By introducing additional built form that is forward and to one side of the main 2-storey house, with repetitive and highly conspicuous gables, the appeal scheme would seriously unbalance and unduly impair the front elevation of No 1A. The intrinsic character and appearance of the appeal dwelling would be spoiled as a result.
7. From Ludlow Avenue just in front of the site, the new first-floor extension would draw the eye given its uneasy relationship to the host building. It would appear as a discordant and obtrusive feature even among the eclectic mix of buildings and the varied build lines of properties that characterise this part of Ludlow Avenue. As such, it would be an unwelcome addition to the local area. While the removal of other flat roof elements to the main house, as proposed, would improve the appearance of No 1A and be more in keeping with the style of other nearby properties, this benefit would not outweigh the identified harm.
8. I note that No 1A is a later 'infill' addition to Ludlow Avenue and that it occupies a smaller plot and has a shorter back garden than other properties close to the site. The design of the appeal dwelling, with its varied roof profile, front columns and distinctive pattern of fenestration also sets it apart from other buildings. I also acknowledge that the character of an area will evolve over time as various changes take place. Nevertheless, the proposed extension would be visually disruptive for the reasons given.
9. I saw that some properties along Ludlow Avenue include sizeable extensions that are evident from the road including those to which the appellant has referred. None of these examples are comparable in size or design to the proposal before me nor in their relationship to the host building. Therefore, these cases do not weigh in support of the appellant's case. Whether the appeal scheme would have been approved in 1968, as the appellant speculates, has little direct relevance to this appeal.
10. My attention has also been drawn to the Council's decisions to approve large extensions at 40 and 46 Ludlow Avenue. Some reliance is also placed on an appeal decision at Purley that according to the appellant included a first-floor extension above an existing flat roof garage. Few background details of these decisions have been provided and so I cannot be sure that their circumstances are the same or very similar to those of the proposal. Therefore, I attach only limited weight to these cases in support of the appeal. In any event, each development should be assessed on its own merits, which I have done.
11. On the main issue, I conclude that the proposed development would cause significant harm to the character and appearance of the host building, the street scene, 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, scale, and mass of extensions are consistent with the principal dwelling 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. According to the appellant, the existing flat roofs leak and so the proposal would offer an opportunity to address and resolve this problem. Once complete, the additional accommodation provided within the enlarged house would enhance the living conditions of the appellant and their family. Others raise no objection. However, these matters do not outweigh the significant harm that I have identified in relation to the main issue.
13. The Council raises no objection to the replacement of the flat roof to the main house with a pitched roof, as proposed. From the submitted evidence I have no reason to reach a different finding in relation to this element of the appeal scheme. However, from my inspection of the plans, it is not clearly severable to the new first-floor extension, which is objectionable. Consequently, I have not issued a split decision that grants planning permission solely for it.

Conclusion

14. Overall, the proposed 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