
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/23/3325062

51 Wychwood Avenue, Luton LU2 7HT

- 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 Ziaul Lotif against the decision of Luton Borough Council.
 - The application Ref 23/00358/FULHH, dated 30 March 2023, was refused by notice dated 19 May 2023.
 - The development proposed is the alteration from hipped roof to gable end to front and rear and erection of rear dormer window with 1 front roof light to facilitate loft conversion and add a rear conservatory 3 meters by 5 meters wide on the ground floor rear.
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Decision

1. The appeal is dismissed insofar as it relates to the alteration from hipped roof to gable end to front and rear and erection of rear dormer window with 1 front roof light to facilitate loft conversion.
2. The appeal is allowed, and planning permission is granted to erect a rear conservatory 3 meters by 5 meters wide on the ground floor rear at 51 Wychwood Avenue, Luton LU2 7HT in accordance with the terms of the application Ref 23/00358/FULHH, dated 30 March 2023, subject to the conditions set out in the schedule to this decision.

Main issue

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

Reasons

4. The appeal property is 2-storey detached house with a hipped roof within a predominantly residential area. Like No 51, several properties along Wychwood Avenue and nearby streets have been extended and altered including those to which the appellant has referred. Consequently, there is some variety to the built form within the local area of which No 51 forms part.
5. The sidewalls and roof of No 51 are to be altered from a hip to a gable end. This arrangement would add disproportionate scale and bulk to the main roof of the host building. The extended ridgeline of the appeal dwelling, which would run parallel to the road, would visually accentuate the considerable size of the new roof when seen from this highway. In these views, the new roof would draw the eye as overly large and because it would sharply contrast with the dwellings on either side of the site, and others along Wychwood Avenue, that retain their hipped ends.

6. A new dormer is also to be placed onto the extended rear roof slope. It would have a flat roof and occupy almost the entire width and full height of the roof slope of the completed house. In doing so, the new dormer would visually dominate the appearance of the rear façade and relate poorly to the proportions of the host building, even with the existing full width ground floor extension in place. In addition, the windows of the new dormer would neither line up with nor satisfactorily relate to the windows in the rear façade below.
7. While this element of the proposal would not be visible from the road, it would be evident from the back gardens of the dwellings on each side of the site. From these vantage points, the proposed dormer, due to its scale, bulk, and fenestration, would detract significantly from the character, scale, and appearance of the house and from others nearby.
8. In reaching these findings, I note the use of materials to match the existing building. I also agree that there are several buildings in the local area that have been altered and enlarged in ways that are similar to the proposal. Few background details of the cases identified by the appellant have been provided and so I am unable to conclude that their circumstances are the same or very similar to the proposal. For instance, the Council has confirmed that the hip to gable alterations at 46 and 77 were introduced through the exercise of permitted development rights and so these are not directly comparable with the appeal scheme.
9. I also acknowledge that properties with gable ends and/or rear dormers form part of the character of the area. However, from what I observed, these features were not a strong or prevailing characteristic. Furthermore, if anything, these examples serve to illustrate that even modest changes made to a property at a high level can and do have a significant visual impact on both the host building and the area to which it belongs. In any event, each proposal should be assessed on its own merits, as I have done.
10. On the main issue, I conclude that the new rear dormer and proposed hip to gable alterations would materially harm 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, these elements of the appeal scheme conflict with Policies LLP19 and LLP25 of the Luton Local Plan 2011-2031. These policies promote high quality design and aim to ensure that the scale, mass, and layout of dwelling extensions are consistent with and proportionate to the principal dwelling and the character of the area. It also conflicts with the policies of the National Planning Policy Framework (the Framework), which state that developments should be sympathetic to local character and add to the overall quality of the area.

Other matters

11. Others raise no objection, including the occupiers of those properties that are closest to the site and are most likely to be affected by the development. Once complete, the proposal would provide additional living accommodation that would benefit the appellant and their family. However, these considerations do not outweigh the harm that I have identified in relation to the main issue.
12. A new conservatory is also proposed that would extend outwards from the existing rear wall of No 51. By connecting with the existing ground floor extension, this proposal would result in a lengthy rear projection. Even so, the conservatory would be modest in scale, depth and height and it would be seen

together with the other changes made at the rear of No 51. In that context, and with little of the new conservatory visible beyond the back garden of No 51, this part of the appeal scheme would be in keeping with the intrinsic character of the host building and have no discernible effect on the qualities and appearance of the local area. On that basis, the new conservatory would not conflict with the planning policies cited by the Council. From my inspection of the plans, the new conservatory is clearly severable from the roof level changes, which are objectionable. Therefore, I can issue a split decision that grants planning permission solely for it.

13. The Council raises additional concern that the hard landscaping of the site's frontage to accommodate further off-road parking without an adequate vehicle crossover would be out of keeping with the character and appearance of the local area. However, few details of this aspect of the proposal have been provided and so I am unable to reach a definitive finding in relation to it.

Conditions

14. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the development, a condition is imposed to require that the external materials match those of the existing building.

Conclusion

15. The proposed new rear dormer and hip to gable alterations would conflict with the development plan, when read as a whole. There are no material considerations, including the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be dismissed in relation to these parts of the development.
16. For the reasons set out above, I also conclude that the appeal should be allowed to erect a conservatory at the rear of No 51 subject to conditions.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) That part of the development hereby permitted shall be carried out in accordance with the following approved plans: Entitled: Existing Floor Plan for 51 Wychwood Avenue, Elevation for 51 Wychwood Avenue Existing, Proposed Elevation for 51 Wychwood Avenue Rear Conservatory, Proposed Floor Plan for 51 Wychwood Avenue, the Ordnance Survey Plan that shows the conservatory edged red and the Land Registry Plan that shows the site edged red.
- 3) The materials to be used in the construction of the external surfaces of that part of the development hereby permitted shall match those used in the existing building.