



Appeal Decision

Site visit made on 26 October 2023

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23.11.2023

Appeal Ref: APP/B0230/D/23/3326435

82 Macaulay Road, Luton, LU4 0LP

- 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 Majid Shah against the decision of Luton Borough Council.
 - The application Ref 23/00235/FULHH, dated 9 April 2023, was refused by notice dated 3 July 2023.
 - The development proposed is a single-storey side/rear extension and alterations to fenestrations.
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey side/rear extension and alterations to fenestrations at 82 Macaulay Road, Luton, LU4 0LP in accordance with the terms of the application, Ref 23/00235/FULHH, dated 9 April 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan dated 19 February 2023; Proposed Site/Block Plan dated 19 February 2023; Drawing 03 - Existing Floor Plans and Elevations; and Drawing 04 - Proposed Floor Plan and Elevations (showing front of the extension level with the front of the existing dwelling).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby approved shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the streetscene.

Reasons

3. The appeal property is a semi-detached bungalow, which is situated in a prominent corner location at the junction of Macaulay Road and Jillifer Road. The dwellings in the locality vary in terms of their age, scale and appearance. An existing flat-roofed brick-built extension and glazed conservatory have been attached to the side of the property facing Jillifer Road. The brick-built extension already abuts the boundary with Jillifer Road and its front wall aligns with the front wall of the original dwelling. In addition, an existing brick wall largely screens the dwelling from that side.

4. The proposal is to erect a single-storey flat-roofed extension at the side of the property, partly on the site of the existing conservatory. It would be built up to the side boundary. The front of the extension would be in line with the front wall of the dwelling and the rear wall would project slightly beyond the existing rear wall of the property. In addition, the existing internal arrangement of the dwelling would be reconfigured. The proposed extension would provide a gym and a wc/bathroom, which the appellant states is required for to meet the needs of a disabled occupant.
5. The Council contends that the proposal would be a prominent and visually discordant feature that would be out of character with the area, because of its scale and design. It states that the proposal would conflict with Policies LLP1, LLP9 and LLP25 of the Luton Local Plan (LP). These policies require development to respond to the character of the area; to be in keeping with the existing building; and to respond positively to the townscape and streetscene. These policies accord with Paragraph 130 of the National Planning Policy Framework (The Framework), which contains similar provisions.
6. I acknowledge that the proposed extension would be a relatively large and its large expanse of flat roof would be at odds with the roof design of the original dwelling. However, given the position and design of the existing side extension and conservatory (which both clash with the design and form of the original dwelling) and the visual presence of the existing brick wall, I am not persuaded that the impact of the appeal proposal on the streetscene and on the character and appearance of the dwelling would be unduly harmful.
7. Whilst the extension would be taller than the boundary wall, the resultant visual impact on the streetscene would not be significantly different when compared to the existing situation. Accordingly, I consider that the proposal accords with the general provisions of the LP and with The Framework, as referred to above.
8. I note that the Council expresses a view that granting planning permission would create a precedent for similar proposals elsewhere. However, my decision is based on the characteristics of this appeal site and I see no reason as to why it should set a precedent for others.

Conditions

9. The Council has suggested conditions in the event of the appeal being allowed. In addition to the standard conditions relating to the commencement of development and the list of approved plans, a condition is also imposed requiring the use of matching external materials. This is necessary to ensure a satisfactory external appearance. With regard to the plans, for clarity, I have added a note specifying that the approved Drawing 04 is that showing the front of the extension level with the front of the existing dwelling.

Conclusion

10. For the reasons given above, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR