

Appeal Decision

Site visit made on 10 January 2024

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th February 2024

Appeal Ref. APP/B0230/D/23/3331348 54 Beech Road, Luton LU1 1DP

- 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 Mrs Richard Lloyd against the decision of Luton Borough Council.
 - The application ref. 23/00855/FULHH, dated 20 July 2023, was refused by notice dated 25 September 2023.
 - The development proposed is: *Erection of single storey side and rear extensions and alterations to fenestration (Retrospective)*.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was made retrospectively but this has no bearing on the planning merits of the case.
3. The submitted plans do not exactly reflect what has been built on site. I have taken them into account whilst noting that the rear extension beyond the original rear projection has enabled the provision of a bathroom rather than a store and that the plans and elevations do not fully tally with each other in terms of the positions of windows and doors or with what I saw on site. Still, these discrepancies do not go to the heart of the proposal.
4. The Council raised no objections to the 1.2 m deep single storey rear extension beyond the original rear projection. I see no reason to take a different stance.

Main issues

5. The main issues are therefore the effects of the single storey side/rear infill extension upon the character and appearance of the original dwelling and its immediate surroundings and upon the amenities of the neighbouring property at 56 Beech Road, with particular regard to the potential for any visual intrusion and any loss of outlook and light.

Reasons

6. The single storey side/rear infill extension has been added to enlarge the ground floor kitchen of a 2-storey, mid-terraced house. Like many other houses
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of the same period in the terraces along Beech Road, the L-shaped appeal house was built with a rear projection or outrigger shared across the party wall and stepped in from the opposite side boundary leaving an open side yard. Some have single storey outriggers as at no. 54, which is back to back with the one at no. 52, whilst others are of 2-storey form. This building typology is very characteristic of Beech Road and is locally distinctive.

7. The plans show that the extension reaches a width of 1.5 m, a height of 2.9 m at eaves level (rising up to 4.0 m at the top of its sloping roof) and a depth of 4.5 m. It stands just off the common boundary with no. 56 at a point where there is a corrugated sheet boundary fence about 1.8 m high.
8. Given its design, width, depth and scale, the extension has substantially infilled the original side yard alongside the outrigger, resulted in development that squares off and spreads across the full width of the back of the original dwelling, created a cramped appearance along the side boundary with no. 56 where there is no longer a proper route from the main side passageway between the houses to the rear garden of no. 54 and distorted the shape of the original outrigger. By way of contrast, none of these adverse visual effects are presented by the rear extension beyond the original rear projection which respects the building typology and lines up with the projection at no. 52.
9. I accept that the side/rear infill extension is contained within the rear garden and is not visible from any public vantage points. Moreover, I would not go as far as to say that it dominates the appearance of this 2-storey dwelling which at the rear also includes a dormer roof extension. Still, the identified visual shortcomings lead me to find that this extension is out of scale and character with the composition and integrity of the original dwelling and adjacent houses to the detriment of the visual amenities of the immediate surroundings.
10. The appellant would have been in a stronger position if similar sizeable infill extensions to terraced houses of this building typology and period were prevalent in the locality. I could not identify any examples at nearby properties. The aerial shot at Figure 3 of the appellant's statement is not persuasive in this regard. Granting permission for this part of the scheme, which significantly erodes the legibility of the original building and its contribution to the consistency of the townscape, would make it more difficult to resist further similar proposals in the area to the detriment of its character and appearance.
11. The outriggers and narrow side yards at the rear of these terraced properties have a very close-knit relationship such that the occupiers tend to be mutually dependent on the maintenance of what openness there is at the rear of their dwellings in order to preserve their rather limited outlooks and access to light. I saw that the extension has resulted in a significant depth of built development on the boundary with no. 56, notably higher than both the existing boundary treatment and any wall or fence which could be constructed on that boundary as permitted development.
12. The rear ground floor of no. 56 has not been extended. It has a window to a main habitable room in the main rear wall very close to the common boundary and a 3-light kitchen window in the opposing wall of its own rear outrigger only slightly further away. Even though the subject extension has a single-storey built form, it has impinged to an unacceptable degree upon the outlook from

those adjacent ground floor windows, mainly because of its proximity, height and excessive depth in combination. There is now a far more solid and oppressive sense of enclosure along the boundary to no. 56 and the extension has unacceptably diminished the limited outlook previously available between the opposing outriggers. It would appear visually intrusive to those neighbours.

13. Given the height of the boundary fence, I could see that the kitchen window in the extension has not caused a loss of privacy for the occupiers of no. 56. There would be no need for that window to be of a fixed type or fitted with obscure glazing. Given that the rear elevation and the side of the outrigger at no. 56 face north-west and north-east respectively, there is unlikely to have been any loss of sunlight reaching the windows in those walls. The extension will have caused some diminution of daylight within the rear ground floor of no. 56. This compounds its visually intrusive effect and the loss of outlook.
14. I find on the main issues that the single storey side/rear infill extension harms the character and appearance of the original dwelling and its immediate surroundings and adversely affects the amenities of the neighbouring property at 56 Beech Road, with particular regard to visually intrusive effects and loss of outlook and light. There is thus conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2011-2031 which, when read together, aim for sustainable development of high quality design that enhances the distinctiveness and character of the area by responding positively to the townscape, site and building context and seek to ensure extensions are similarly well designed and do not adversely affect the amenity of nearby occupiers.
15. The project also fails to respect the aims set out within section 12 of the National Planning Policy Framework. The revised versions of that document, which were published in December 2023, do not materially differ to the September 2023 version, insofar as the planning policy context around the main issues in this appeal are concerned.
16. Permitted development rights represent a fallback in a case like this and a material consideration when assessing the planning merits. However, there is no clear evidence before me to suggest that an identical or even a very similar extension could take place using those permitted development rights. Embarking on permitted development rights would be unlikely to produce something less desirable than the development that has taken place.
17. The appellant says that large rear extensions are prevalent in the locality and elsewhere in the borough, some of which have been erected with the benefit of planning permission granted by the Council or allowed on appeal. Attached to the appellant's statement at appendices 1-4 are 2 decisions issued by the Council and 2 appeal decisions. There is no commentary highlighting the specific relevance of these decisions to the appeal scheme before me. All 4 of those cases concern dwellings a long way away from Beech Road. Those decisions were not dealing with identical proposals, plans, sites or contexts. The 3 examples on St Lawrence Avenue related to houses at the end of short terraces with a different building typology and period of construction, whilst 57 Durham Road is a semi-detached house where a favourable prior approval determination was in place for an alternative single storey rear extension that would have had a more harmful impact on a neighbouring dwelling than the one put forward under that appeal. The 2 appeal decisions only identified one

main issue which did not relate to the matters in the first main issue of this appeal. These cases have little bearing on the appeal case before me which must be determined on its own merits.

18. Drawing all the above together, and taking into account all other matters raised and the lack of third-party objections, including from the occupiers of no. 56, my findings on the main issues determine the outcome of this appeal. There is conflict with the development plan and I find no material considerations of sufficient weight to justify a grant of planning permission. The objections to this development could not be overcome by planning conditions. I have therefore concluded that this appeal should not succeed.

Andrew Dale

INSPECTOR