

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/23/3333499

22 Marston Gardens, Luton LU2 7DU

- 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 Arfan Sabir against the decision of Luton Borough Council.
 - The application ref. 23/00902/FULHH, dated 30 July 2023, was refused by notice dated 4 October 2023.
 - The development proposed is "*Erection of two storey side/single and two storey rear extensions, alteration from hip to gable end roof, a rear dormer, three front roof lights and alterations to fenestration to facilitate a loft conversion.*"
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Decision

1. The appeal is allowed and planning permission is granted for erection of 2-storey side/single and 2-storey rear extensions, alteration from hip to gable end roof, a rear dormer, 3 front roof lights and alterations to fenestration to facilitate a loft conversion at 22 Marston Gardens, Luton LU2 7DU in accordance with the terms of the application ref. 23/00902/FULHH, dated 30 July 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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 numbered L-01, L-02 and L-03.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
 - 4) The 2 first floor windows and the single second floor window in the southern side elevation of the extensions hereby permitted shall at no time be openable or glazed, otherwise than in obscured glass, below a minimum height of 1.7 m above the finished floor level of the area/room in which the windows are installed.

Procedural matters

2. The description of the proposed development in the heading above is taken from the Council's decision notice and the planning appeal form because it is more accurate than the one provided on the application form.
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Main issues

3. The main issues are the effects of the proposed development upon the character and appearance of the dwelling and its surroundings and upon the amenity and living conditions of the neighbouring occupiers at 24 Marston Gardens with regard to the potential for any loss of outlook.

Reasons

4. The appeal property is a semi-detached, 2-storey house with further accommodation in the loft. It is situated on the eastern side of Marston Gardens and forms a semi-detached pair with no. 24.
5. Marston Gardens is primarily, but not exclusively, characterised by 2-storey, semi-detached houses with hipped roofs like nos 22 and 24. Even so, the houses along the street vary considerably in terms of design, materials and the degree to which they have been altered or extended since their original construction. Each house makes its own visual contribution to the rather eclectic mix of properties, the most striking feature of nos 22 and 24 being their tall, matching, advanced 2-storey bays with gables over and narrow cat slide roofs reaching down over the front entrance doors.
6. Planning permission was granted in July 2023 under ref. 23/00147/FULHH for significant extensions and alterations to no. 22, some of which closely resemble the proposals in this appeal scheme. The appellant wishes to make minor enlargements to the extant scheme, the principal changes being the formation of a hip to gable extension in place of a lateral extension to the main hipped roof and a blank side dormer, increasing the depth of the 2-storey rear extension by 22.5 cm and finishing it with a gable instead of a hip and widening the approved rear dormer by 275 cm and increasing its depth by 3.9 cm.
7. As before, the width of the 2-storey side extension would be modest and wholly proportionate to the original dwelling. By not reaching as far across as the existing flat-roofed integral garage which is to be demolished, a gap of over 1 m would be left along the common boundary with no. 20. The proposal would sit flush with the adjoining front wall of the host dwelling and the existing hipped roof ridge would be extended sideways at the same height over the extension so as to form a standard gable end. It is the case that this extension would appear indistinguishable from the original building but then that would also be the case with the extant scheme which does not display any change in roof or wall plane on the lines of the permitted side extension.
8. The hip to gable extension and its resulting longer ridge line would result in a degree of asymmetry with the attached house at no. 24. However, within this street scene there are some gabled roofs including several examples close by where one half of a semi-detached pair has a gabled end and the other remains hipped. It does not matter how any of those arrangements have come about. It was apparent to me that loft conversions with gable sides are now part and parcel of the local street scene. The proposed hip to gable roof extension would be acceptable in this respect and compatible with the varied street scene.
9. The extant scheme would have also diluted the roof level symmetry between nos 22 and 24, particularly by doubling the length of the appeal property's main roof ridge and introducing a blank side dormer. In my view, the

forwardmost advanced bays I described in paragraph 5 are the main markers of symmetry between nos 22 and 24 and these would be unaffected by the appeal scheme. Moreover, in some views along the street, those bays are substantial enough to conceal the roof ends of each property such that the mismatch between hipped and gabled roof forms would not appear as strident as with other pairs where the whole hipped roof is more dominant and the key symmetrical feature.

10. The proposed rear 2-storey extension would not be so different in size, design and built form from the extant scheme as to materially increase the bulk, massing and visual prominence of the overall development, particularly when seen against the sizeable extensions at the back of no. 24. Even though the rear dormer would extend over a greater width than the rear dormer in the extant scheme, I am satisfied that it would set sufficiently within the resulting rear roof slope and not appear oversized or too dominant. Clad in plain tiles, it would not have a significant impact in any oblique views from the street or be obtrusive in views from surrounding properties. It would not harm the appearance of the host property.
11. Noting the proposed use of matching facing materials and appropriate fenestration details, I consider that the proposed development as a whole would represent a visually attractive solution, exhibit a high standard of design, be sufficiently complementary and sympathetic to the parent building and be respectful of the existing street scene along Marston Gardens.
12. I find on the first main issue that the proposed development would not harm the character and appearance of the dwelling or its surroundings. There would be no conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2011-2031 (LP) 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, street scene, and site and building context and seek to ensure extensions are similarly well designed.
13. The project would respect section 12 of the National Planning Policy Framework (the Framework) insofar as it relates to achieving well-designed and beautiful places. The revised December 2023 versions of that document do not materially differ to the September 2023 version, insofar as the planning policy context around the main issues in this appeal are concerned.
14. With regard to the second main issue, the proposed 2-storey rear extension, the height and massing of which would not be excessive for any reason, would be set well away from the shared boundary with no. 24. It would have only a limited additional depth compared to the extant scheme. The change to a gable end would be minor in physical terms. I consider that this proposed extension would not create an unacceptable sense of enclosure or appear visually intrusive or overbearing when seen from the back garden and rear-facing rooms at no. 24. The experience of no. 24 as being set within a good-sized back garden with a reasonable outlook to the rear (east) would endure. The proposed development would not adversely affect the outlook of the neighbours there to such an extent as to justify refusing permission.
15. I find on the second main issue that the proposed development would not adversely affect the amenity and living conditions of the neighbouring occupiers

at 24 Marston Gardens with regard to the potential for any loss of outlook. There would be no conflict with LP Policies LLP1, LLP19 and LLP25 which seek to ensure extensions are well designed and do not adversely affect the amenity of nearby occupiers in respect of, amongst other things, visual intrusion. There would be compliance with the Framework because the scheme would permit a sufficiently high standard of amenity for existing and future users.

16. The scheme will enhance the quality of life for the occupiers of no. 22 by providing additional living accommodation to meet their needs. This, the absence of objections from local residents and local organisations and the fact that the parties agree that there is a significant demand for 4+ bedroom dwellings are further factors that weigh in favour of granting planning permission. The Council, correctly in my view, did not identify an excessive loss of amenity for the neighbouring property at no. 20 for any reason or any negative impacts upon the provision of parking.
17. In addition to a condition setting a time limit for the commencement of development, a condition requiring that the development is carried out in accordance with the relevant approved drawings is necessary as this provides certainty. I have also imposed the Council's suggested condition on materials to ensure that the development would preserve the character and appearance of the dwelling and the locality.
18. The interests of privacy, including the potential direct overlooking of the rear garden of no. 20, can be addressed by the imposition of a planning condition concerning the proposed windows above ground floor level in the southern side elevation. I have amended the relevant condition suggested by the Council in its questionnaire in the interests of precision and accuracy.
19. The Council has requested a condition restricting the use of the building and/or site to use as a single family dwelling house as specified within Use Class C3. I am not persuaded that such a condition restricting the use of the property passes the tests of reasonableness and necessity in the absence of any clear justification for it arising from this extension proposal.

Concluding comments

20. I have found the appeal proposal to be acceptable on its planning merits and to accord with an up-to-date development plan under both main issues. No material considerations pull in a different direction. The development proposal should therefore be approved without delay. In such circumstances, I have exercised my judgement not to take the appellant's private and confidential addendum into account. If I had found it necessary to weigh this submission against any negative findings under the main issues, I would have given the Council an opportunity to submit further comments upon it.
21. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

Andrew Dale

INSPECTOR