



Appeal Decision

Site visit made on 10 October 2023 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2024

Appeal Ref: APP/B0230/D/23/3324324

155 Dewsbury Road, Luton LU3 2HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr & Mrs Richard Lloyd against the decision of Luton Borough Council.
 - The application Ref 23/00466/PARES, dated 18 April 2023, was refused by notice dated 30 May 2023.
 - The development proposed is a rear single storey extension.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3 and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a rear single storey extension at 155 Dewsbury Road, Luton LU3 2HL in accordance with the terms of the application ref: 23/00466/PARES, dated 18 April 2023, subject to the conditions set out in section A.3 of Class A and the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan ID: BW1-01098319; Site Plan as proposed drawing no. mma. 47 7; Plans as proposed drawing no. mp.25544.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters and Main Issue

3. Under the above mentioned legislative provisions, planning permission is granted for the enlargement of a dwelling house subject to limitations and conditions. Paragraphs A.4.(7) and A.4.(9) state that where any owner or occupier of any adjoining premises objects to the proposed development, prior approval is required as to the impact of the proposed development on the amenity (living conditions) of any adjoining premises, and that any representations made must be taken into account. Accordingly, the main issue is the effect of the proposed development on the living conditions of neighbouring occupiers.
-

Reasons for the Recommendation

4. The appeal site comprises a semi-detached, two-storey dwelling. The proposed rear extension would project six metres along the shared boundary with No 153. No 153 has a rear conservatory adjacent to the boundary so the projection of the proposed extension beyond the rear of No 153 would be less.
5. The height and proximity of the proposed extension would lead to a reduction in the amount of natural light and sunlight received by the side windows of the conservatory. However, the rear, opposite sides and the roof are glazed and would provide ample levels of light to the space. Furthermore, the side windows in the conservatory are obscure-glazed and only contribute a limited amount of light and outlook as they are and only a small portion of the side of the conservatory projects above the existing solid boundary fence.
6. The proposed extension would project approximately three metres further than the conservatory, alongside a patio area at No 153. Given this modest length, the height of the extension and intervening boundary treatment, the proposal would not have an adverse effect on the users of the rear garden at No 153. With this and the above in mind, it would not lead to an unacceptable loss of light or overbearing impact to the conservatory or rear garden at No 153.
7. Insofar as it is material to the main issue, this lack of harm would ensure compliance with the aims of Policy LLP19 of the Luton Local Plan 2017 (LP). This requires, amongst other things, extensions to dwellings to not adversely affect the amenity of nearby occupiers.

Other Matters

8. The Council have cited conflict with LP Policy LLP25 although this reads more of a design policy which does not appear, on my understanding, to directly relate to living conditions. I have not therefore referred to it above.
9. The proposed extension meets the size requirements of Class A of the GPDO and therefore whether or not it would be overdevelopment or disproportionate to the existing property is not a matter than can be considered in this case. The porch and loft conversion were the subject of separate planning applications. Any matters related to noise nuisance should be referred to the Council's other functions. The proposed extension would not overlook the garden at No 153 due to its height and intervening boundary treatment. Party wall issues and/or agreements are a civil matter and the effect of a given development on the value of private interests such as property is a matter which attracts only very limited weight to the level that it would not have a bearing on the outcome of this appeal.

Conditions

10. Standard conditions are set out in paragraph A.3 of Class A and, for the avoidance of doubt, a condition should also be imposed requiring that the development be carried out in accordance with the correct approved plans.

Conclusion and Recommendation

11. The proposal would not harm the amenity of adjoining premises. I therefore recommend that the appeal should succeed, and prior approval be granted

subject to the standard conditions set out in paragraph A.3 of Class A and to the condition specified above.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed. Prior approval is granted subject to the standard conditions referred to and the additional condition specified above.

John Morrison

INSPECTOR