



Appeal Decision

Site visit made on 6 March 2024

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22.03.2024

Appeal Ref: APP/B0230/D/23/3331616

158 Barton Road, Luton LU3 2BE

- 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 A Malik against the decision of Luton Borough Council.
 - The application Ref 23/00687/FULHH, dated 28 June 2023, was refused by notice dated 23 August 2023.
 - The development proposed is erection of a single/two storey side and rear extensions with a front canopy, alterations from hip to gable roof with three front and two rear rooflights to facilitate a loft conversion and insertion of windows in the side elevation.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of a single/two storey side and rear extensions with a front canopy, alterations from hip to gable roof with three front and two rear rooflights to facilitate a loft conversion and insertion of windows in the side elevation at 158 Barton Road, Luton LU3 2BE in accordance with the terms of the application Ref 23/00687/FULHH, dated 28 June 2023, and the plans submitted with it, subject to the following conditions:

The building shall be used as a single family dwellinghouse as specified in Class 3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: pre-existing plans 01/05, pre-existing elevations 02/05, existing plans 03/05, existing elevations 04/05 and location and block plan 05/05.
- 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on the northern and southern elevations of the building.
- 3) Within three months of the date of this permission the side windows on the southern elevation of the building shall be fitted with obscure glazing and thereafter retained.
- 4) No waste bins shall be permanently stored in the front garden of the site unless they are placed in a formal bin store area whose details have been submitted to and approved in writing by the local planning authority. The

bin store shall be installed in accordance with the approved details and retained thereafter.

Preliminary Matter

2. The development had been completed prior to the application to the Council. Although permission had been granted for extensions and alterations to the dwelling in 2021 development was not carried out in accordance with the approved plans.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the building and street scene.

Reasons

4. The appeal building is an established two storey detached dwelling which has been extended and altered in a contemporary style. It is located alongside the busy thoroughfare of Barton Road. There is regularity in the age, form, and design of the dwellings on the opposite side of Barton Road. However, the row of dwellings at either side of 158 Barton Road varies significantly in height and design, including two storey buildings and bungalows.
5. No issues have been raised by the Council regarding the single storey rear extension, front porch, first floor rear extension or the with the roof lights. I see no reason to disagree in view of their design and location.
6. When the appeal site is viewed from Barton Road the scale and height of development increases in the row of properties from two bungalows to a two-storey dwelling, then the appeal building and then a pair of two storey semi-detached dwellings of a similar height to the appeal building. Although the appeal building has an increased bulk and mass it does not appear out of scale in this particular part of the streetscene. The side extension is limited in height and has a degree of subservience. The flat roof, although an unusual feature, is set at a high level and not overly prominent. It serves to limit the overall height of the dwelling.
7. The grey roof tiles do not appear significantly obtrusive, unlike the partial contrasting roof alterations where different coloured tiles have been added to two semi-detached properties on the opposite side of Barton Road. The white rendered finish to the property is part of the contemporary design. Although the Council considers the white render to be unacceptable several dwellings in Barton Road have sections of light-coloured render, including the upper part of the adjacent two storey dwelling. Other buildings in Barton Road also have a similar use of light-coloured external finish.
8. I consider that, although the character and appearance of the building has changed, in view of its context it is not significantly harmful to the character and appearance of the street scene. It therefore fails to conflict with Luton Local Plan policies LLP1 concerning sustainability, LLP19 regarding extensions to buildings and LLP25 in respect of amenity space. It would also meet the design objectives of the National Planning Policy Framework.

Conditions

9. I have considered the conditions suggested by the Council and adopted them with any necessary change in wording. A condition is imposed limiting the use of the building to ensure that it contributes towards the need for large family dwellings in the area and to maintain residential amenity. A condition confirms the plans hereby approved. Conditions are included to restrict permitted development rights regarding additional windows and to require obscure glazing for the southern flank windows. This is to prevent any harm to the living conditions of neighbouring occupiers in respect of loss of privacy. A condition is also added regarding waste bin storage in the interest of visual amenity.

Conclusion

10. I have taken all other matters raised into account. For the reasons given above the appeal is allowed, subject to conditions.

Martin H Seddon

INSPECTOR