



Appeal Decision

Site visit made on 18 April 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2024.

Appeal Ref: APP/B0230/D/24/3339355

36 Letchworth Road, Luton, LU3 2NU

- 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 F Mohammad against the decision of Luton Borough Council.
 - The application Ref 23/01378/FULHH dated 14 December 2023, was refused by notice dated 8 February 2024.
 - The development proposed is erection of side extension to existing garage to rear of dwelling. Resubmission.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.

Main Issues

3. The main issues are the impact of the proposal upon the street scene and character, and appearance of the area and relationship with the host dwelling.

Reasons

4. The appeal site is a semi-detached dwelling which is located off Letchworth Road within a residential area, however, the subject of this appeal is to be located to the rear of the site which fronts onto Howard Close. The appeal site already benefits from an existing outbuilding which would be extended as result of the proposal. The proposal would add in the region of 35 square metres to the existing outbuilding which would mean that an outbuilding would occupy the full width of the appeal site at the rear. At the time of my site visit, I found that rear garages and/or outbuildings are part of the character of the area, and they are varied in terms of age, construction, design, and size but they are, generally, modest in overall scale and footprint.
5. It should be kept clearly in mind that character and appearance are separate matters with character being the sum of all qualities which distinguish an area whereas appearance is the outward visual qualities. I have no evidence before me to suggest that there are outbuildings within the vicinity of the appeal site which are comparable to the cumulative scale of the proposals which are before me. The proposal would extend the existing store building and result in an outbuilding occupying the entire width of the appeal site. This would be an uncharacteristic feature taking into account the general development pattern and character of the wider area in terms of other outbuildings in gardens.

6. The site already benefits from an outbuilding structure which is generally characteristic, in terms of size and massing, for the area. Overall, considering the existing outbuilding, I find that the cumulative impact of the outbuildings would not be subordinate or ancillary in scale to the host dwelling when taking into account, for example, the footprint of the dwelling itself and the footprint of the extended outbuilding in total. The extension to the existing outbuilding fails to respect the scale and proportions of the original dwelling and would result in an outbuilding which is uncharacteristically large with the prevailing character of the area.
7. Despite the landscaping boundary strip to the rear of Letchworth Road the proposal would still be highly visible within the street scene on Howard Close as well as from properties within the vicinity of the appeal site. Whilst modest outbuildings in general are not uncharacteristic, outbuildings of this scale and width would be an alien feature which would have a detrimental impact on the visual appearance of the immediate street scene as well as the wider character of the area. As a result of scale, particularly width, the proposal would result in undue prominence taking into account the relationship, and overall footprints, of the host building and the outbuilding comparatively.
8. The proposal would, therefore, result in damage to the character and appearance of the street scene and general openness of the long gardens, with generally modest outbuildings/sheds, associated with dwellings in the immediate area. The proposal would fail to enhance or improve the quality of the established character of the area albeit I do not find that fear of a precedent is sufficient alone for a reason for refusal. Each case should be considered on its own merits. The use of matching materials would not enhance the character nor preserve it due to overall issues relating to scale and it is noted that the proposal is single storey.
9. I note that the Council's delegated report itself states that the proposal would be detrimental to occupiers of the property in terms of residential amenity/amenity space, however, I do not find that this main issue has been clearly carried forward into the refusal reasons themselves. I note that the appellant has presented extracts from the Council's External Amenity Space Standards that require provision of an enclosed rear garden of 90 sq./m for new build units. On the basis that the site would continue to provide in excess of this required garden space I have limited evidence before me to support that the proposal would be detrimental to occupiers of the appeal site, but this is entirely separate to the other matters which have been raised.
10. The proposal would be contrary to Local Luton Plan (November 2017) (LP) Policy LLP1 which requires all new developments to contribute to enhancing a sense of place and preserve or improve the character of the area and LP Policy LLP19 which requires that scale, mass, layout and design are consistent with and proportionate to the principal dwelling, surrounding properties, streetscape and character of the area with extensions being of ancillary scale to the original/principal building.
11. The proposal would also be contrary to LP Policy LLP25 which seeks to enhance the distinctiveness and character of the area by responding positively to the townscape, street scene, site and building context as well as form, scale, height and pattern. The proposal would also be contrary to paragraph 135 of the National Planning Policy Framework 2023 which seeks to ensure that

developments are sympathetic to local character including the surrounding built environment and that will function well and add to the overall quality of the area.

Other Matters

12. Whilst LP Policy LLP25 may, as whole, be more suited to larger scale development I have no reason to conclude that the policy is not applicable (in terms of overarching objectives) to householder development. The policy simply seeks to ensure High Quality Design which enhances the character of the area as outlined above. For the reasons set out the proposal is not consistent with this.

Conclusion

13. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR