



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: 13th May 2024

Appeal Ref: APP/B0230/D/24/3339441

442 New Bedford Road, Luton, LU3 2BA

- 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 and Mrs J Shahid against the decision of Luton Borough Council.
 - The application Ref 24/00029/HHFT dated 5 January 2024, was refused by notice dated 2 February 2024.
 - The development proposed is erection of two storey side and rear extensions, front porch, alterations to fenestration and change of all external brickwork to render after demolition of garage and porch. Fast Track.
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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 i) the character and design of the original dwelling and ii) the residential amenity of neighbouring occupiers with regard to visual intrusion and overshadowing.

Reasons

Character and Design

4. The appeal site is a two-storey residential dwelling which stands within a predominantly residential context. The proposal seeks to erect two-story side and rear extensions, a front porch, alterations to fenestration and change all external brickwork to render after demolition of the garage and porch.
5. I note, from the Council's Planning Assessment, that no issues are raised in relation to the two-storey side extension and the front porch notwithstanding the inconsistency in roof forms on the ground floor when comparing the submitted front and side elevations. This discrepancy is, overall, minor in the context of the overall scheme and I have no evidence before me to come to a differing conclusion in relation to the two-storey side extension and front porch elements. The Council's reasons for refusal are, therefore, essentially based upon the rear elements of the scheme. For the avoidance of doubt, this appeal will focus upon the rear elements of the scheme in the context of this issue and the second main issue as outlined below.

6. To the rear of the appeal site the proposal would result in significant extension at two storeys which would result in extensions which would cumulatively consume the host dwelling. As can be seen, from the plans and the images provided by the appellant, the rear of the appeal site is currently of general visual interest as a result of differing roof forms, which break up the overall bulk, scale and massing of the host dwelling due to differing projections at ground and first floor level. The appeal proposal, by contrast, would result in one single block as a result of the two-storey extension proposing matching footprints at ground and first floor level.
7. I find that the size and scale of the two-storey rear extension is disproportionate to the size and scale of the original dwelling and that it would result in a development which is of significant size, scale with a half hip/flat form roof which would result in overall excessive proposals for the host dwelling itself. The proposal would appear overly large, unsympathetic to the original dwelling from the rear elevation, and this would fail to respect the scale and character of the host dwelling and would be detrimental to its character and appearance.
8. I note that the overall width of the dwelling would be increased, according to drawing number NP2444, by in the region of 1.4 metres and that this would maintain around a metre from the shared boundary with 444 New Bedford Road. The existing crown roof style may be preserved, to some extent, but the overall projection of the proposed extensions would result in an overall partly flat form roof as a result of the size and extent proposed. The number of bedrooms, is not, in this case, a determining point as the use of the individual rooms is not a key issue, taking into account overall scale and it is acknowledged that the ridge height would remain unchanged, however, this does not assist the overall size of the extensions being inappropriate for the reasons I have outlined.
9. In terms of the appearance of the area I find that the proposal would have a limited impact upon this as a result of the two-storey side extension and front porch being acceptable in principle as well as noting at the time of my site visit that New Bedford Road is typically characterised by large dwellings with varied design and materials. I find that the proposal would be acceptable, insofar as to how the front elevation would be viewed from within the street scene. It should be kept in mind, however, that character and appearance are separate matters and indeed the character of the surrounding area is separate to the character of the host dwelling itself.
10. Drawing number NMA.477 (site plan) also demonstrates (hatched red) the extent of the two-storey projection within the context of the host dwelling itself and as well in relation to the building line of adjoining properties. Taking into account that everything hatched red would be two storey, I find that this would further support that the proposal is disproportionate in nature and would uncharacteristically extend bulk, scale and massing at a level which is inconsistent with properties in the immediate vicinity based upon the evidence before me.
11. The external finish of the appeal proposal could be secured by planning condition; however, I do not find any issue with the principle with rendering the existing property taking into account the varied materials and styles of properties which I saw along the road at the time of my site visit. The external

finish of the appeal proposal would not make the overall size of the proposed extensions acceptable in relation to the host dwelling. It is acknowledged that the dwelling stands on a generously sized plot and it is understood that it is natural to wish to maximise available space. Despite this, I do not find that the size of the plot, and its proximity to/relationship with the adjacent dwellings in relation to building lines to the rear, supports the size of extensions when taking into account that they are notably disproportionate to the size of, and would completely consume, the host dwelling resulting in a large block compared to the existing character of the dwelling as outlined.

12. Overall, I find the proposal is unacceptable as a result of scale, size and roof form, which would be unsympathetic and materially harmful to the design and character of the original dwelling. The proposal would be contrary to Luton Local Plan 2017 (LP) Policy LLP1 which outlines the overarching objectives for sustainable development to create high quality places, LP Policy LLP19 which sets out that permission to extend a dwelling would be granted provided that the scale, mass, design and layout are consistent with and proportionate to the principal dwelling and surrounding properties and that proposals should ensure that the extension is of ancillary scale to the original/principle building and LP Policy LLP25 which seeks to ensure high quality design.

Amenity of Neighbouring Occupiers

13. The appeal site stands between adjoining properties 440 and 444 New Bedford Road, respectively (no. 440 and no.444). The refusal reason is specific in its reference to impact upon no. 444. I acknowledge that the Council's assessment is limited as to specific impact upon neighbouring occupiers, however, I have assessed the proposal based upon the information before me and whilst there is a general air of spaciousness in the rear gardens, I do not find that there is sufficient set in away from the boundary with no. 444 when taking into account the overall height of the proposal.
14. The two-storey rear extension would project, significantly, into the rear garden of the site notably extending the existing rear building line by two-storeys with the most notable depth added at first floor level. As can be seen, from the photographs provided by the appellant, there is a first-floor window in the rear elevation of no. 444 which would be impacted by a two-storey extension at this depth with a separation distance in the region of one metre from the shared boundary. Due to the height, and depth, of the proposed extension and limited separation from the boundary and properties themselves, I find that this would result in unacceptable impact to the amenity of occupiers of no. 444 with regard to outlook and overbearing impact upon habitable first floor windows. The proposal would also be significant above the existing boundary fencing/vegetation along the shared boundary. I find that this would be unacceptably overbearing and visually intrusive as a result of overall height and projection in close proximity to the shared boundary
15. I acknowledge that the plots and overall gardens, for the adjoining properties are large, however the most regularly utilised area of private amenity space for a residential dwelling is generally the space immediately behind the dwelling itself and these are the areas which would be highly impacted as a result of the proposals which are the subject of this appeal. Given that no. 444 is located to the north of the appeal proposal I find that it is likely that the proposal would give rise to unacceptable overshadowing of the property which would result in

unacceptable impact to the amenity of occupiers of this property. No further information, or supporting information, has been submitted to demonstrate that the proposal would not result in the overshadowing of the amenity areas for adjoining properties.

16. The proposal would be contrary to LP Policy LLP1 which seeks to secure high quality, healthy places, LP Policy LLP19 which seeks to avoid proposals that adversely affect the amenity of nearby occupiers in respect of loss of light and LP Policy LLP25 which seeks to minimise overshadowing/loss of light and achieve high quality design. The proposal would also be contrary to paragraph 135 of the National Planning Policy Framework 2023 which outlines that planning decisions should ensure that developments create places with a high standard of amenity for future and existing users.

Other Matters

17. The appellant is noted to have submitted several appeals with their Statement of Case. I have taken these into account within the determination of this appeal. The first appeal relates to 115 New Bedford Road which was for a single/double storey side and rear extension. That proposal stood in a completely different spatial context as a result of development of two detached houses in its back garden and I note that the Council had already granted permission for the side extension and ground floor element of the rear extension which formed part of the proposals. In relation to neighbouring amenity, the reason for refusal was based upon the amenity of 1A Lansdowne Road. The relationship between the appeal and 1A Lansdowne Road is entirely different to the appeal proposal before me and its neighbouring properties which in this case stand either side in close proximity.
18. 448 New Bedford Road is noted to have allowed significant change to the dwelling in question. The Council acknowledge the proposal was on a large scale and that it would alter the appearance of the dwelling but that it would not represent a discordant form of development which would appear visually intrusive from within the street scene. As can be seen, from my assessment above, I have found the proposal which is before me acceptable in the context of the street scene based upon a similar approach. In relation to neighbouring properties, the scheme at 448 New Bedford Road did not project beyond the original wall of the neighbouring property and the single storey projected around two and a half metres beyond the two-storey extension which resulted in no overall projection with the bulk, scale and massing which could impact upon neighbouring amenity. The first-floor extension projected around four metres beyond the rear wall of the site but was set in from the boundary with no. 444 by five metres which resulted in distance which contributed to the proposal not having an adverse impact on neighbouring amenity. Again, the site characteristics are justifiably different to the appeal proposal before me.
19. Finally, an appeal decision for 436 New Bedford Road has also been submitted and it is noted that, within the appeal decision, the main issue did not include residential amenity but was solely restricted to character and appearance of the host property and the area. The Inspector noted, as have I, that the dwellings along New Bedford Road are varied in design and form. Despite this, based upon the plans before me which have been submitted for 436 New Bedford Road, I do not find that the extensions are comparable to the scale of the proposals which are before me in terms of design and overall impact.

20. As a result of this, I would stress that each case must be considered on its own merits and, for the reasons outlined, I do not consider that the appeals and decisions submitted by the appellant in this case carry enough weight to overcome the harm which I have identified as a result of significant scale in the context of the host dwelling, and the adjacent neighbours/adjacent built form within this appeal.
21. I note a third-party objection to the proposal, however, I have dealt with matters relating to the amenity of neighbouring occupiers as one of the main issues above within this decision letter.

Conclusion

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

Eleni Randle

INSPECTOR