



Appeal Decision

Site visit made on 14 May 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2024

Appeal Ref: APP/B0230/W/23/3334846

28 Derby Road, Luton LU4 0DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Patel against Luton Borough Council.
 - The application Ref is 23/00501/FULHH.
 - The development proposed is roof extension to facilitate loft conversion with replacement pitched roofs over existing flat roofs, rendered elevations and general refurbishment and associated internal alterations.
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Decision

1. The appeal is dismissed and planning permission for roof extension to facilitate loft conversion with replacement pitched roofs over existing flat roofs, rendered elevations and general refurbishment and associated internal alterations is refused.

Application for costs

2. An application for costs has been made by Mrs Patel against Luton Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Council has provided a copy of a site/block and location plan drawing numbered JJ23-028 002 REV A. However, the appellant states that this has been superseded by drawing numbered JJ20-028 002 REV B. The difference between the 2 plans appears to relate to annotations on distances as shown on the block plan. The difference in measurements are very minor and the revised drawing does not alter the fundamental aspects of the proposal. No injustice or prejudice would be caused by basing my decision on the amended drawing.
4. Since the appeal was lodged a revised version of the National Planning Policy Framework (the Framework) has been published. The revisions do not affect the parts of the Framework most relevant to the determination of the appeal and so it is unnecessary to seek the parties' views on the revised document.

Main Issues

5. The Council has not issued a decision on the planning application leading to this appeal. However, in light of its submissions, I consider the main issues are the effect of the development on (i) the character and appearance of the host property and the area, and (ii) the living conditions of occupiers of 43 and 45 Eldon Road (Nos 43 and 45) in terms of privacy and 47 and 49 Eldon Road (Nos 47 and 49) in terms of outlook.

Reasons

Character and appearance

6. Derby Road and Eldon Road are predominantly residential. There is some variation in the style and appearance of the local dwellings but most near to the appeal property have pitched roofs with low eaves. Some of the properties have first floor accommodation within the roof space, served by dormer windows. However, the appeal property and several of the adjoining houses are single storey with no dormers. The fairly simplistic and low-level form of the dwellings are a fundamental characteristic of the locality.
7. The proposed increase to the height of the roof ridge, the new front dormer and the new pitched roofs with gables facing the road would all have a noticeable effect on the appearance of the appeal property and on the street scene. The front dormer would stretch across almost the whole of the front of the roof and its continuous form would emphasise its width. It would be set down below the new ridge line and would be above the eaves. Even so, the front dormer would be a sizeable addition at roof level, contrary to the property's low level appearance. Also, the increase in the height of the ridgeline and the greater bulk of the roof would result in a more top heavy appearance to the property, at odds with its current form.
8. Moreover, the windows in the front dormer would vary in size and fail to align with the ground floor windows. The proposed roof over the new entrance door would protrude above the lowest part of the dormer and so disrupt the pattern of fenestration. The irregularity in these regards would be unsympathetic to the building as it exists.
9. Nearby properties have dormers in the front roof slopes but these tend to be narrower and smaller than the front dormer proposed for the appeal property. I saw larger front dormers to properties towards the north end of Derby Road but these are some distance away and they are not seen in the same context as the appeal property. Also, these roof extensions illustrate how inappropriately large dormers can spoil the appearance of a dwelling and appear incongruous. To allow a development with a similar detrimental affect would not preserve the fundamental character of the locality.
10. Next to the appeal property is a dwelling with a gable frontage and a large dormer in a roof slope to the side. Also, a sizeable dormer in the rear of an adjoining property facing Eldon Road is seen from Derby Road when in front of the appeal property. However, the proposed front dormer would be more prominent in the street scene than these existing additions and so they do not provide justification for the harm that would be caused by the proposal.
11. The appellant suggests the provision of pitched roofs over existing flat roof projections to the front would enhance the appearance of the appeal property. However, any improvement in these respects would not address nor offset the harm caused by the proposed alterations to the main roof.
12. For these reasons, I conclude the development would harm the character and appearance of the host property and the local area. In these regards, it would be contrary to policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2017 (the LP). Amongst other things, these require development to preserve or to

improve local character and for extensions to be consistent and proportionate to the principal dwelling and the street scene.

Living conditions

13. The back gardens of Nos 43 and 45 adjoin the side boundary of the back garden of the appeal property. The proposed rear dormer windows would introduce new elevated viewpoints that would allow overlooking onto the neighbouring gardens. From my observations, it would appear that boundary features would not entirely obstruct sight of the gardens from the windows. The inclusion of obscure glazing to bathroom windows would prevent overlooking but 3 of the proposed windows to the rear would serve bedrooms. To my mind, it would be inappropriate and unreasonable to impose a condition that requires obscure glazing to these windows as it would lead to the rooms having a restricted outlook. Therefore, I consider the development would cause an intrusive loss of privacy to Nos 43 and 45.
14. The increase in the height and size of the roof as a result of the proposal would be evident from Nos 47's and 49's back gardens and rear facing windows. However, the views of the sky on either side of the appeal property would remain. As such, I find the outlook from Nos 47 and 49 would be largely retained and would be acceptable.
15. Even so, for the reasons above, I conclude the proposal would have a harmful effect on the living conditions of occupiers of Nos 43 and 45 through a significant loss of privacy. In these regards, it would be contrary to LP policy LLP19. This seeks to ensure extensions do not adversely affect the amenity of nearby occupiers of property.

Other Considerations and Planning Balance

16. I understand the appeal scheme represents a revision to a previous proposal. However, it does not follow that the development would be acceptable.
17. By increasing the number of bedrooms, the scheme would make a larger family home and a more efficient use of the land. The property is in an urban area where residents would be able to access and support local services. Also, the development would generate employment during its construction. However, these benefits would be fairly minor given the scale of the development and so they do not outweigh the harm I have identified. The proposal would be contrary to LP policies when read as a whole and there is insufficient justification to allow the appeal contrary to the LP.

Conclusion

18. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR