



Appeal Decision

Site visit made on 10 June 2024

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2024

Appeal Ref: APP/B0230/W/23/3333028

180 Biscot Road, Luton LU3 1AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ram Lal against the decision of Luton Borough Council.
 - The application Ref is 23/00590/FUL.
 - The development is erection of single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of single storey rear extension at 180 Biscot Road, Luton LU3 1AX in accordance with the terms of the application, Ref 23/00590/FUL, and the plans submitted with it.

Preliminary Matters

2. Since the appeal was made, the Government revised the National Planning Policy Framework (the Framework). Policies material to this decision have not fundamentally changed. Therefore, I have not sought the main parties' views on the changes to the Framework.
3. It was apparent from my site visit that the extension has already been built. For clarity, I have based my decision on the submitted plans. I have removed the term "retrospective" from the development description as this is not an act of development.
4. The extension is adjoined to an extension built at 182 Biscot Road. I am also dealing with an appeal for this neighbouring extension, and it is subject to a separate decision¹.

Main Issue

5. The main issue is the effect of the extension on the character and appearance of the area.

Reasons

6. The appeal building is a two storey mid-terrace property, with a commercial unit on the ground floor and separate residential accommodation above. The building shares some design similarities with the other properties in the terrace such as the first floor front elevation bay window with gable roof and two storey rear projection. These features contribute to the building's distinctive character and appearance and give the terrace a degree of architectural unity.
7. Across the rear elevations, at ground floor level there is little consistency in the design of the properties within the terrace and surrounding area. When visiting the appeal

¹ Appeal Ref: APP/B0230/W/23/3333033

site, I saw several properties in the area have been altered and extended, some of which include single storey rear extensions which extend to the rear boundary. Although I cannot be certain of their planning status, single storey rear extensions of varying sizes and design are part and parcel of the immediate character of the area.

8. Whilst part of the extension spans the full width of the yard and is connected to the extension at 182 Biscot Road, the remainder of the extension is no wider than the width of the two storey rear projection. This allows for some space to be retained within the yard area and helps to alleviate the overall scale of the extension on the rear elevation. The external materials consisting of brickwork and uPVC windows tie in with the ground floor of the building. Given these factors, the extension is not unsympathetic with respect to its design and scale.
9. The extension is single storey with a flat roof. Because of its height, it sits below the window sill of the first floor window. The extension keeps the status of the two storey rear projection as a key architectural feature of the building and as a result, does not adversely impact any intrinsic characteristics of the building.
10. Even though it has a long footprint as it occupies the full length of the plot, the extension is not incongruous or excessive in the context of this area which includes extensions of a similar scale. The extension is visible in private views from the windows of the surrounding properties and rear gardens. However, it is not visually discordant, given how diverse the rear street scene is.
11. For these reasons, I conclude that the extension does not cause harm to the character and appearance of the appeal building and surrounding area. Accordingly, it accords with Policies LLP1 and LLP25 of the Local Luton Plan 2017 (the LP) and the Framework, which amongst other things, requires development to be of a high quality that enhances the character of the area by responding positively to the street scene.
12. The reason for refusal also refers to Policy LLP19 of the LP. This policy relates to extensions to dwellings and annexes. It is therefore not determinative in the context of this appeal.

Conditions

13. Conditions suggested by the Council relating to carrying out the development in accordance with the approved plans and matching external materials, are not necessary given that the extension has been built. Conditions relating to plant, machinery, equipment, and extraction/ventilation systems are not relevant to the development given that no such apparatus is proposed.
14. A condition requiring the extension to be used for incidental purposes and not to be used as separate or self-contained living space or residential accommodation with no kitchen facilities is also not relevant to the development. This is because I have determined the appeal on the basis that it relates to an extension to the building and that no change of use is proposed. There is no proposal for separate or self-contained living space before me.

Conclusion

15. For the reasons given above, the appeal should be allowed.

L Reid

INSPECTOR