



Appeal Decision

Site visit made on 15 July 2024

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2024

Appeal Ref: APP/B0230/D/24/3343809 19 Honeygate, Luton LU2 7EP

- 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 Sayeed Akram against the decision of Luton Borough Council.
 - The application Ref is 24/00213/FULHH.
 - The development proposed is alterations to approved plans (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for alterations to approved plans at 19 Honeygate, Luton LU2 7EP in accordance with the terms of the application, Ref 24/00213/FULHH, subject to the following condition:
 - 1) The development hereby permitted shall not be carried out other than in accordance with the following approved plans: 03A/05, 04/05 and 05/05.

Preliminary matters

2. The Council previously granted planning permission 23/00260/FULHH for erection of a single/2 storey side and rear extension, a front canopy and alterations to fenestration. The development was not carried out in accordance with the approved plans, however, leading to the need for this retrospective proposal to amend the scheme. The key differences are in the roof form (squaring off the main roof with a gable), the set back from the front wall and the roofing tiles.
3. The house's roofing tiles have been changed from small plain clay tiles to large format profile concrete tiles, with the same tiles on the extension. This material is not specified on the somewhat vague application form and plans, but I take it to be part of this retrospective proposal.

Main issue

4. The main issue is the effect of the proposal on the character and appearance of the building and this part of Honeygate.

Reasons

5. Honeygate is a residential street containing a varied mix of mid-20th Century and more modern detached and semi-detached houses. Many of the older houses on the street, including the pair of semis at Nos 19 and 20, have hipped

roofs with plain clay tiles, while a number of the newer houses have gabled roofs with large concrete tiles.

6. The extension, as built, is still set back significantly from the front wall of the house and set down from the roof so that it is clearly articulated from and visually subsidiary to the original house. The extension roof would be hipped so that the squaring off of the main roof from a hip to a gable would not substantially alter the appearance of the house as a hipped roof building.
7. The appellant argues that plain clay tiles were not available so he matched the existing tiles as well as possible. This is not accepted as many buildings and extensions are roofed with such tiles. The new roofing tiles are a more modern and generally less sympathetic material than the old clay tiles. They would, however, weather in over time and are similar to those used on many other houses in the street. I also note that roofing tiles can normally be changed as permitted development, without the need for a planning application¹. Overall, I find that the new tiles would blend in reasonably well in the street scene.
8. I furthermore see no overriding need for the pair of semis to remain symmetrical in form, appearance or materials, so long as they continue to reasonably complement each other and the street scene, which I find to be the case here. I conclude that the proposal does not harm the character or appearance of the house or this part of Honeygate. It accords with policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2011-2031 and the National Planning Policy Framework, which aim to secure high quality design, with the scale, mass, layout, design and external materials of extensions being consistent with and proportionate to the dwelling and streetscape.
9. I impose a condition specifying the relevant plans to provide certainty. A condition requiring the use of matching materials as suggested by the Council is not necessary as the development has already been carried out.
10. The Council suggests 2 further conditions which I also find unnecessary. Firstly, there is no obvious need to take away existing permitted development rights for new windows in the south (rear) elevation as the next property to the south is set far enough away to minimise any loss of privacy. Secondly, no evidence has been submitted to justify a condition restricting use to a single family dwelling² only, taking away permitted development rights for a potential change of use to a small house in multiple occupation³ or any other change of use that may be permitted development. As advised by the Planning Practice Guidance, such conditions may not pass the tests of reasonableness or necessity.
11. The proposal accords with the development plan for the area. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR

¹ Under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

² Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended)

³ Class C4 of the same Use Classes Order