



Appeal Decision

Site visit made on 01 October 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th October 2024

Appeal Ref: APP/B0230/D/24/3341051

153 Argyll Avenue, Luton LU3 1EJ

- 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 Syed Haider against the decision of Luton Borough Council.
 - The application Ref is 23/01272/FULHH.
 - The development proposed is retrospective application for additional single storey side extension to rear extension built under prior approval and additional temporary rear single storey covered area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is referred to as being retrospective and it is clear from my site inspection that the extension is already in place.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the appeal property and the surrounding area; and
 - the living conditions of the occupiers of neighbouring properties Nos 151 and 155 Argyll Avenue with particular regard to outlook and light levels.

Reasons

Character and appearance

4. The appeal site comprises a 2-storey semi-detached dwelling located within a street scene of similar properties, many of which have undergone extensions and alterations to the rear elevations. The appeal property is of a traditional appearance and has a single storey extension which projects 5.9 metres from the rear elevation¹.
5. The appeal proposal relates to a single storey lean-to extension which is attached to the rear extension. The extension is described as comprising a temporary child hobby shelter and projects 3.2 metres beyond the existing extension. The extension comprises a canopy structure which has been constructed using concrete posts and timber cladding with a polycarbonate

¹ Approved under application reference 18/01727/FULHH

sheet roof. The development also includes an extension to the side of the existing rear extension.

6. There are limited views of the extension from the street scene. There is no suggestion that the host dwelling would be left with inadequate amenity space and the proposal would not intensify the use of the appeal site. Nonetheless, the development, in combination with the existing extension, results in disproportionate and imposing additions which dominate the host dwelling. The materials used in the construction of the extension appear awkward against the traditional form of the host building and the existing extension. Consequently, whilst noting its temporary nature, the extension appears as an over dominant and visually jarring addition that does not relate well to the host building, resulting in harm to the character and appearance of the property.
7. Although the development brings some benefits to the appellant's family including enhanced access and use of the outdoor space, this would not outweigh the identified harm to the character and appearance of the host dwelling. I therefore find conflict with those aims of Policies LLP1, LLP19 and LLP25 of the Luton Local Plan (2017) (LP) and the National Planning Policy Framework (the Framework) that concern matters of character and appearance. These seek for development to be sympathetic to local character, specifying that extensions should be of a scale and external materials that are consistent with and proportionate to the principal dwelling.

Living conditions

8. Given its single storey height and open, lightweight form it is unlikely that the development results in any significant loss of light levels to windows in the rear elevations of 151 and 155 Argyll Avenue. Additionally, given its siting in relation to no 151, views of the extension from this property are limited and there is no harmful loss of outlook from this property.
9. However, by virtue of its depth and proximity to no 155, the development creates an imposing feature that changes the outlook experienced from the rear windows of this property, appearing overbearing and dominant and altering the outlook from the rear windows of this property such that it impedes the occupants' enjoyment of these rooms, making them less pleasant to use.
10. The proposal is harmful to the living conditions of the occupiers of no 155 through loss of outlook. It would therefore be contrary to those aims of LP Policies LLP1, LLP19 and LLP25 which seek to ensure that extensions do not adversely affect the amenity of nearby occupiers. There is also conflict with the Framework which seeks to ensure developments have high standards of amenity for existing users.

Conclusion

11. The appeal proposal conflicts with the development plan and there are no material considerations to indicate a decision other than in accordance with it. Accordingly, for the reasons set out above, the appeal is dismissed.

N Robinson

INSPECTOR