



Appeal Decision

Site visit made on 23 October 2024

by Peter D Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2024

Appeal Ref: APP/B0230/D/24/3349333

51 Wychwood Avenue, Luton LU2 7HT

- 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 Ziaul Lotif against the decision of Luton Borough Council.
 - The application Ref is 24/00601/FULHH.
 - The development proposed is erection of a single storey rear conservatory and a rear dormer with two front rooflights to facilitate a loft conversion.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant in their appeal statement states that they would like the side dormer (applied for in a previous application) to be considered as part of the appeal. However, as the planning application relating to this application does not include the side dormer and it was not part of the application determined by the Council, I cannot consider it as part of this appeal.

Main Issue

3. The main issue is whether the proposed development would have an adverse effect on the character and appearance of the host dwelling and the surrounding area of Wychwood Avenue.

Reasons

4. Wychwood Avenue, where the appeal site is located, is a street of two storey, mainly semi-detached properties with some detached including the appeal property. All are built in brick and render with gable detailing.
 5. No 51 appears to be in its original form to the frontage but to the rear, the submitted documents indicate that the 2 storey hipped roof offshoot is an extension to the original. The house has also been further extended to the rear at ground floor with a full width single storey extension. The property also has the benefit of permission for a rear conservatory granted through a previous appeal (Ref APP/B0230/D/23/3325062). The conservatory included in the current appeal proposal is identical to that already permitted.
 6. I have been referred to other cases which the appellant argues justifies the appeal being allowed. I accept from my observations on the site visit that, in some cases, the conversion of loft spaces has involved the use of box dormers but generally these are not on hipped roofs and appear to be well-proportioned relative to the original roofs. Moreover, the incidence of box dormers in the vicinity of the appeal site is too few to suggest that these roof forms are part of the area's character or
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that a precedent has been set. Consequently, the existence of other dormer windows in the area would not provide a robust justification for the appeal proposal. The appellant has referred specifically to No 16 Wychwood Avenue but as this involves the addition of a complete storey on a detached house I am not persuaded that the cases are comparable. I have therefore considered the appeal proposal on its own merits.

7. In respect of the proposals at No 51, the rear dormer would be centrally positioned against the main roof and in this position would totally subsume the rear hipped offshoot with the dormer extending beyond the offshoot roof effectively wrapping around it. The dormer would have virtually no upstand at the eaves and would extend almost to the ridge of the main roof. The result would be a disproportionate dormer that would sit awkwardly with the roof form and which would adversely change the original character and appearance by removal of the hipped offshoot. Moreover, the window design with its overlarge horizontal format would be out of keeping and out of proportion with the windows below.
8. I have been invited to conclude that the dormer would not be seen from the street but in fact although views of the dormer would be oblique through the spaces between Nos 49 and 51 and Nos 53 and 51, because of its size, the upper portion of the dormer would be visible from the street. In any event there are inward views from the rear of neighbouring properties and from these private viewpoints the proposed oversized dormer would appear unduly dominant and top heavy and would significantly and adversely alter the appearance of the roofscape on No 51.
9. It has been put to me that the dormer extension would be permitted development as set out in Class B of Part 1 to Schedule 2 of the *General Permitted Development Order* (GPDO). Considering the GPDO and the appellant's submitted calculations of the roof volume it would appear that the dormer would comply with Class B Permitted Development rights (PD rights). Given that the appellant is actively looking to make use of the roof space of the property there is a greater than theoretical possibility that such an extension using PD rights would take place. I acknowledge therefore that this is a material consideration in the case.
10. However, given the significant harm from this particular design of dormer to the character and appearance of the host dwelling which I have identified and the fact that a different permitted development roof extension could resolve many of these issues, the fact that something similar could be built out is not sufficient to justify allowing the appeal and granting permission for what would be a poorly conceived design.
11. Turning to the proposed conservatory this would be a modest addition to the property and would appear proportionate to the house and I have no concerns in respect of this part of the proposal. As this element would be physically and functionally separate to the rear dormer extension proposed it would be open to me to split the decision and allow this element whilst dismissing the rear dormer. However, as the conservatory has the benefit of permission already, courtesy of the appeal decision APP/B0230/D/23/3325062, which is still extant, there is no need for me to issue a split decision.
12. The *National Planning Policy Framework* (the Framework) at section 12 requires development to achieve a high standard of design, sympathetic to local character and visually attractive amongst other things and for the reasons above the appeal proposal would fail this test. Similarly, the proposal would be in conflict with Policies LLP25 and LLP19 of the *Luton Local Plan* (LLP). These require developments to achieve a high standard of design in the case of the LLP25 and,

specifically in the case of extensions, requires the scale, mass and design to be consistent with and proportionate to the principal building and its context and that extensions should be of an ancillary scale to the original. For the reasons above the proposed extension would have an adverse impact on the character and appearance of the host dwelling and its surroundings and would therefore fail this test.

Other Matters

13. I have had regard to the Public Sector Equality Duty contained in the Equality Act 2010 and understand the appellant's wish to enlarge and improve the accommodation in the property and make sustainable and effective use of it as a family home, an objective which is encouraged by the Framework. However, although the Framework encourages the efficient use of land at section 11 it states in paragraph 128 that development should take into account the desirability of maintaining an area's prevailing character and setting. The proposal in respect of the rear dormer extension and its impact on character and appearance would fail in this regard.
14. It has been put to me that no objections from neighbouring occupants were received to the proposals but the absence of objection at application stage would not necessarily mean that the proposal would be acceptable, as subsequent future occupiers may view the proposal differently.

Conclusion

15. Accordingly, as set out above, the appeal proposal would have a detrimental impact on the character and appearance of both the house and the surrounding area. Notwithstanding that a dormer could be constructed under PD rights I conclude that this is of insufficient weight, given the harm that would occur from this particular design, to justify allowing the appeal and for the reasons given above the appeal should be dismissed.

P. D. Biggers

INSPECTOR