



Appeal Decision

Site visit made on 23 October 2024

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2024

Appeal Ref: APP/B0230/D/24/3350907

59 Lorimer Close, Luton LU2 7RL

- 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 and Mrs Scudder against the decision of Luton Borough Council.
 - The application Ref is 24/00600/FULHH.
 - The development proposed is loft conversion with side roofslope hip to gable build up, rear dormer extension and rooflights to front roofslope.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would have an adverse impact on:
 - the character and appearance of the terrace of properties and the surroundings on Lorimer Close; and
 - the living conditions of present and future occupants of the neighbouring property at No 46 Lambourn Drive in terms of proximity and outlook.

Reasons

Character and Appearance

3. The appeal property is an end of terrace dwelling in a small cul-de-sac / courtyard off Lorimer Close. The estate is modern with two storey terraced, semi-detached and detached dwellings constructed in brick, render and tile. The terrace at Nos 56-59 is designed with hipped roofs at each end and matching gabled elevations to front and rear elevations at both ends of the terrace.
4. I have been referred to a development similar to the appeal proposal on the terrace at Nos 45-48 which the appellant considers justifies allowing the appeal proposal. In this case an extension was allowed varying the uniform appearance of the terrace and inserting a gabled roof at the extended end where originally both ends of the terrace had hipped roofs. I am not persuaded that the circumstances would be directly comparable as in the case of Nos 45-48 the gabled detailing to front and rear remain and no dormer extension is involved but, in any event, the design of the resulting terrace at Nos 45-48 should not necessarily be considered good design to be replicated elsewhere. Accordingly, I have determined the appeal case on its own merits.

5. In respect of the hip to gable extension although this is a common method of providing additional space at attic level to allow accommodation, in this case the introduction of a gable would unbalance the planned, symmetrical, hipped roof design of the terrace. Although there is a mix of gabled and hipped roofs within the estate as a whole, with the exception of the terrace at Nos 45-48, there did not appear to be many other examples of where the roof design on the ends of the terraces were not matching. The result of the proposed hip to gable extension would be incongruous and out of keeping with the built form of the terrace and the surrounding area.
6. In terms of the proposed dormer extension this is designed as a full width, full height dormer across the roof slope of the property as extended. Although there would be a small upstand at the eaves there would be no set down at the ridge and no set in from the sides. The dormer would not therefore appear as a subordinate addition to the roof slope. Even if these changes were made this would not resolve the fact that the dormer would completely subsume the rear facing gable detail on the roof which matches the gable at the other end of the terrace and is an essential part of the character and appearance of the terrace.
7. It has been put to me that the extensions would not impact on the street scene and as the terrace is tucked away in the heart of the estate the impact on character and appearance of the surroundings would be minimal. However, the estate is to a fairly high density, there are many private views of the property from surrounding houses and the combined effect of the extensions would be a significant and adverse change in the appearance of the terrace in these views.
8. The *National Planning Policy Framework* (the Framework) at section 12 requires high standards of design that is sympathetic to local character and for the reasons given above, the proposed development would fail in this regard. The Framework makes clear at paragraph 139 that development which is not good design should be refused. Policy LLP19 of the *Luton Local Plan* (LLP) regarding the design of extensions reflects the Framework. It requires that the scale, mass and design should be consistent with and proportionate to the main dwelling, surrounding properties, streetscape and character of the area. It also requires that the extension should be ancillary to the original dwelling and have a roof style in keeping with the original roof. In these respects the proposed extensions would not comply with the policy and there would be an unacceptable impact on the character and appearance of the terrace and its surroundings.

Living conditions

9. The appeal site sits adjacent to No 46 Lambourn Drive on its north side which would be the nearest neighbouring property other than properties within the terrace itself.
10. The appeal property and No 46 are offset meaning that the two adjacent gable ends would not be aligned. There is also a degree of side separation between the properties and, given the orientation, there would be no adverse effect on sunlight to No 46.
11. In terms of the impact of the extension on the outlook from the rear windows in No 46, I have been invited to conclude that the existing house at No 59 already crosses a line drawn at 45° from the centre of the closest ground and first floor windows in No 46 and therefore the extension would have no additional adverse impact. However, applying the 25° rule (i.e. that the extension should not cross a

line rising at an angle of 25° in the vertical plane from the cill of the closest window) whilst the existing form of No 59 conflicts with this rule in respect of the ground floor window, the proposed hip to gable extension would mean that this test would also be failed in respect of the first floor window. The extensions therefore make the impact of the close relationship between the two properties worse. Moreover, in addition to the window outlook being impacted, the extensions would have an overbearing impact on the patio and main sitting out area to No 46 because of the increase in height and mass at close quarters.

12. The Framework at Paragraph 135 regarding design states that decisions should ensure a high standard of amenity for existing and future users. Policy LLP19 of the LLP reflects this in requiring that proposed extensions do not adversely affect the amenity of nearby occupiers. The proximity of the proposed extension and the impact of the height of the hip to gable and dormer extensions would be overbearing on the closest rear window and main patio area to No 46 and therefore contrary to the Framework and Policy LLP19.

Other Matters

13. It has been put to me that the Government's introduction of a Permitted Development class to allow upward extension of dwellings in addition to Class B permitted development affecting the roof demonstrates that the sort of extension proposed in the appeal is generally acceptable. However, in this case there is no 'fallback' as permitted development rights for the property were expressly removed.
14. I have also been referred to the benefits the extension would have in terms of the local economy. Whilst I accept there would be employment associated with the sourcing of materials and the construction process these would be relatively short term and the extensions would not deliver any long term economic benefit. As such this would not be sufficient to outweigh the harm identified above.
15. I 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, specifically upward extensions, it states in paragraph 124 that such development needs to be consistent with the prevailing height and form of neighbouring properties and the overall street scene, and be well-designed. Moreover paragraph 129 states that development should take into account the desirability of maintaining an area's prevailing character and setting. The proposal in respect of both the hip to gable extension and rear dormer extension and its impact on character and appearance would fail these tests.

Conclusion

16. 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 as well as on the living conditions for the occupiers of No 46 Lambourn Drive and for the reasons given above, I conclude that the appeal should be dismissed.

P. D. Biggers

INSPECTOR