



Appeal Decision

Site visit made on 18 November 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28TH November 2024

Appeal Ref: APP/B0230/D/24/3351840

14 Mayne Avenue, Luton LU4 9LS

- 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 D Masood against the decision of the Council of the Borough of Luton.
 - The application Ref is 24/00473/FULHH.
 - The development proposed is a part single storey/part two storey rear extension and alterations to the existing roof.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The amended description of the proposal in my banner is taken from an email exchange between the Council and the appellant on 13 May 2024.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and the area; and
 - living conditions within the host property, with particular regard to external space.

Reasons

Character and appearance

4. The houses on this part of Mayne Avenue are predominantly two storeys high and semi-detached. They are in a range of styles, and display considerable diversity in terms of their form and appearance, in part due to alterations and extensions. Viewed from the road, I observed that those extensions often achieve a degree of subordinacy to the original building.
5. The host comprises one half of a semi-detached pair. Unlike its attached neighbour which finishes with a gable, it has a principally hipped roof. It also has a large, flat-roofed two storey side extension, which is set down from the principal ridgeline, and whose front wall extends above the host's eaves, creating an awkward junction at that point. However, whilst it does not respect

the character of the original building, there is a degree of symmetry between it and the similar rectilinear side extension at 12 Mayne Avenue.

6. The proposal includes a hipped roof which would extend across the side extension, and which would respect the original building's form. However, given the absence of a set down, and the roof's considerable expanse, it would give the resultant building a very substantial elongated bulk and mass, which would be out of keeping with the scale of most nearby properties. It would thereby draw-the-eye in the streetscene, and it would serve to highlight the incongruous junction at eaves level.
7. Considered cumulatively with previous extensions, including the two storey side extension, and a flat-roofed single storey rear extension, the proposed alterations to the rear would add considerable bulk, particularly at first floor level where the rear extension would be wider than the original building. As a result of that bulk and diverse form, very little of the original building's style and appearance would still be legible. Whilst the rear extensions would not be visible from Mayne Avenue, they would be seen from some nearby properties, and would add to the harm that the scheme would cause.
8. As Local Luton Plan 2011-2031 (2017) Policy LLP15 addresses housing provision, it is of limited relevance on this issue. However, the scheme would conflict with its Policies LLP1 and LLP25. Amongst other things, and in general terms, these require high quality design, with development which improves the character of an area, having regard to matters such as the streetscene, context, form and scale. It would also conflict with Policy LLP19, which is referred to in the case officer's report, and which requires extensions to appear ancillary in scale to the original building; and with the stance on good design at Section 12 of the National Planning Policy Framework ('Framework').

Living conditions

9. Given the host's previous extensions, including the single storey rear projection and an outbuilding, the property, which currently has three bedrooms, has a fairly small rear amenity space. That space would be reduced further by the proposed conservatory.
10. However, the Council calculates that the resultant rear amenity space would be about 52 sqm which, it states, would marginally exceed its minimum standard of 45 sqm. Moreover, given that a largely glazed conservatory is proposed, it would give it a greater affinity with the outdoors than other types of extension; and some typically outdoor domestic tasks, such as hanging washing, could take place within it.
11. Thus, whilst the available outdoor amenity space would be limited for the occupants of a five bedroom house, having regard to the context of the area, it would provide an adequate space to sit outside and to perform typical outdoor activities.
12. On this issue, the scheme would not therefore conflict with those parts of Local Luton Plan Policies LLP1 and LLP25 which require high quality healthy places, and it would ensure a high standard of amenity for existing and future users in accordance with the stance in the Framework.

Other matters and personal circumstances

13. The appellant states that the additional accommodation is needed due to various health and medical conditions, which are summarised at paragraph 5.11 of his statement. In particular the scheme would provide an easily accessible, light and airy space to sit, and separate bedrooms for the family occupants.
14. However, I have only limited information before me on this matter, and no cogent evidence that this scheme is the only way in which the family's needs could be met. Personal circumstances rarely outweigh general planning matters because the effect of the development would remain long after the personal circumstances cease to apply. The personal circumstances used to justify the development would inevitably change over time, but any identified harm would remain. The benefit to the appellant and his family therefore carries only limited weight.

Planning Balance and Conclusions

15. Having considered the scheme on its planning merits, I conclude that whilst it would provide appropriate living conditions for existing and future occupants, it would significantly harm the character and appearance of the host property and the area.
16. I have considered the benefits that the scheme would deliver, and I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, and to rights conveyed in the Human Rights Act. However, the refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that the harm I have identified is avoided.
17. Consequently, and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR