



Appeal Decision

Site visit made on 10 December 2024

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2024

Appeal Ref: APP/B0230/D/24/3352335

2 Hazelwood Close, Luton, LU2 8AR

- 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 Mrs Christina Koutula against the decision of Luton Borough Council.
 - The application Ref is 24/00769/FULHH.
 - The development proposed is demolition of existing rear extension and construction of new rear extension (single storey).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was lodged a revised National Planning Policy Framework (the Framework) has been published. Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal, and that proceeding without seeking further comments from the parties would not be prejudicial to their cases.
3. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form a different wording has been entered, but as the parties have not provided written confirmation that a revised description of development has been agreed I have used the one given in the original application.
4. The Council's first reason refusal includes reference to Policy LLP15 of the Luton Local Plan 2011 – 2031 (2017) (LP). However, this policy is not referenced in the officer report and no copy of the policy was supplied with the Council's questionnaire. Reading the decision as a whole, I have taken this to be a drafting error, and should have been the supplied LP Policy LLP19. The appellant assessed the proposal against LP Policy LLP19, and I have done the same.

Main Issues

5. The main issues are the effect of the proposal on (1) the character and appearance of the appeal property, the street scene and the surrounding area; and (2) the living conditions of occupants of 4 Hazelwood Close (No.4), with particular reference to access to light and outlook.

Reasons

Character and Appearance

6. The appeal property is an end-terrace dwelling located in a prominent position at the corner of Hazelwood Close and Mayfield Road. Its rear garden runs alongside the latter, and is slightly elevated, such that an existing rear extension is apparent in the street scene, in views above the roadside fence. The dwelling also has a part single-/part two-storey side extension.
7. The proposal would be materially deeper than the extension to be replaced, and would span the width of the extended property, creating an extensive wall of development close to the roadside boundary. As a result of its large footprint and mass, it would appear disproportionate compared to the size of the original dwelling. Whilst the appellant advises that the extension would project above the fence by only 0.8 metre when viewed from Mayfield Road, its overall size and scale would be apparent in longer range views from the north along that road.
8. Amongst other criteria, LP Policy LLP19 requires dwelling extensions to be of a scale and mass that are consistent with and proportionate to the principal dwelling, surrounding properties, streetscape and the character of the area; and to be of ancillary scale to the original/principal building. In this case, considered alongside the existing side extension, the proposal would be out of scale with the original house, but also with the other dwellings in the terrace of which the appeal property forms part. This inconsistent scale would be particularly noticeable in the street scene due to the prominent siting of the dwelling at the road junction.
9. I accept that the dwelling has a larger rear garden than many in the vicinity, and that the proposal would not amount to over intensive development of the site. However, that does not alter the adverse effect of the amount of development proposed on the original dwelling itself.
10. Attention has been drawn to other extensions in the immediate vicinity, but no planning permissions have been provided, and as such I do not know the circumstances of their construction, or what planning policies they were assessed against. Details have been provided of four planning permissions granted elsewhere in the borough. Whilst they demonstrate that in some circumstances larger extensions than proposed in this case have been approved or allowed at appeal, they also highlight the relevance of site-specific factors. All appear to have one or more material differences from the proposal, be it size, effect on the host house, relationship to neighbouring properties, prominence, orientation, or a 'fallback position'. As such, none of the examples cited warrant acceptance of the proposal. Similarly, I do not consider the Council's concern of precedent to be justified, as I have found this proposal to be unacceptable due to its site-specific context.
11. I therefore conclude that the proposal would detract from the character and appearance of the appeal property, the street scene and the surrounding area, contrary to LP Policy LLP19, and LP Policy LLP25, which requires high quality design that enhances the distinctiveness and character of the area by responding positively to the street scene, site and building context in terms including form and scale. It would not preserve or improve the character of the area, as required by LP Policy LLP1, and reflected in the Framework.

Living Conditions

12. The proposed extension would be positioned at the shared boundary with the attached dwelling, No.4. That property has its own single-storey rear extension of similar depth to the element to be demolished at the appeal site. No.4 has a rear-facing habitable room window¹ located in the original rear wall of the house between the two extensions, and the outlook and access to light from that room would already be restricted to a degree by those features.
13. As a result of the orientation, in the absence of any technical evidence to the contrary, I consider that the additional depth of the proposal along the shared boundary would further – and adversely - restrict light to this rear-facing window. Whilst I note the appellant's view that this is a secondary window, I do not consider that other openings at the property would compensate for this impact. Given the reasonably narrow gap between the extension at No.4 and the proposal, it would result in an unacceptable and visually intrusive enclosure to the detriment of the outlook from that property.
14. I therefore conclude that the proposal would reduce access to light and diminish the outlook for occupants of No.4, to a degree that living conditions would be harmed. This would be contrary to the overarching design principles of LP Policies LLP1 and LLP25, and LP Policy LLP19, which seeks to ensure that an extension does not adversely affect the amenity of nearby occupiers in respect of visual intrusion and loss of light. It would also conflict with the Framework, which requires developments to create places with a high standard of amenity for existing and future users.

Conclusion

15. For the reasons given above the appeal should be dismissed.

H Lock

INSPECTOR

¹ Identified as a dining room window in a consultation response to the planning application.