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## 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: 30 December 2024

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**Appeal Ref: APP/B0230/D/24/3352428**

**98 Newark Road, Luton, LU4 8LF**

- 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 Shabir Akhtar against the decision of Luton Borough Council.
  - The application Ref is 24/00574/FULHH.
  - The development proposed is loft conversion with erection of rear dormer window.
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### 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.

### Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the appeal property and the surrounding area.

### Reasons

5. The appeal property is a detached two-storey house located in a residential area. It is prominently located towards a junction of Newark Road, and views of its side elevations and roof profile are visible in gaps between the property and neighbouring buildings. Clearer views of the rear roof plane of the house are visible from points in Douglas Road to the side and Manx Close at the rear. Within the street scene, other flat-roofed rear dormer windows are apparent.
6. The appeal property has been extended to the side, front and rear and fills the plot width. The proposed dormer window would span the extended dwelling, and as a result, it would be a large and dominant addition to the rear roof slope that would

occupy much of its surface. This proportion of dormer-to-roof coverage may be comparable to others in the vicinity, but other dormers nearby are more modest in scale as they occupy smaller roof areas. As the appeal property is one of the larger in the road, the appellant considers that there would be few opportunities for neighbouring properties to erect similar additions, but this highlights the incongruous and discordant scale of the proposal.

7. Dormer windows are part of the established character of the area, but some appear more integrated than others. In this case, the proposal would have nominal gaps to the lower and side roof eaves and ridge, creating a top-heavy appearance to the dwelling. Given the architectural style and form of the house, I do not find the proposal to be well-designed and subordinate as suggested by the appellant, and this would not be mitigated by the use of high quality materials. The proposal would have limited visual impact on the street scene of Newark Road, but its scale would be visible from Manx Close, and there would be oblique views from parts of Douglas Road (notably, between Nos. 36 and 38). Although the appellant considers that the impact on the public realm would be limited, there is a requirement in national planning policy to create visually attractive developments as a result of good architecture, and this is not determined by visibility alone.
8. The proposal would not result in overdevelopment of the site but would appear excessive on the dwelling itself. It would be at odds with Policy LLP19 of the Luton Local Plan 2011 – 2031 (2017) (LP), which amongst other criteria requires extensions to be of ancillary scale to the original/principal building. Although I agree with the appellant's view that the property presents itself as a large, detached property in its original form, rather than as a smaller property that has been extended, the scale and mass of the proposal would not be consistent or proportionate to the dwelling and surrounding properties, in conflict with this policy.
9. The appellant has drawn attention to paragraph 124 e) of the Framework 2023<sup>1</sup>, but this supports opportunities to use the airspace above existing residential properties for new homes, and as such offers limited weight to the proposal.
10. The proposal may make optimal use of the existing property to improve the quality of accommodation for its occupants, but this must be balanced against the visual impact of achieving this extra space in the form proposed.
11. Notwithstanding its limited visual impact on the street scene of Newark Road, I conclude that the proposal would detract from the character and appearance of the appeal property and the surrounding area. It would conflict with the Framework, with LP Policy LLP19, and the aim in LP Policy LLP25 to secure high quality design which enhances the distinctiveness and character of the area by responding positively to the site and building context in terms of scale. In so doing, it would not preserve or improve the character of the area, as required by LP Policy LLP1.
12. For the reasons given above the appeal should be dismissed.

*H Lock*

INSPECTOR

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<sup>1</sup> Now Paragraph 125 e), the wording of this paragraph has been modified in the Framework 2024, but not insofar as it affects this proposal.