



Appeal Decision

Site visit made on 18 December 2024

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 January 2025

Appeal Ref: APP/P0240/D/24/3349953

49 Cromer Way, Luton, LU2 7EE

- 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 Umayr Aslam against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/01556/FUL.
 - The development proposed is the erection of a side extension of first floor and external fire emergency spiral staircase to the rear.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development from the council's decision notice has been adopted for reasons of clarity.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. The content of the revised Framework does not materially change the national policy basis for the assessment of this appeal.

Main Issues

4. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the host property and the surrounding area and (b) the living conditions of the occupiers of 51 Cromer Way by reason of overlooking.

Reasons

Character and Appearance

5. The appeal property is an altered detached 2-storey dwelling which fronts a cul-de-sac which comprises detached and semi-detached dwellings. These dwellings generally have gaps between their flank walls which, when combined with the wide area of grass verge, gives this part of the surrounding residential area a spacious character and appearance. Although the property already has a single storey side extension with a flank wall sited adjacent to the shared boundary with 51 Cromer Way, there is a noticeable gap at first floor level between these dwellings.
6. The proposed development includes the erection of a first floor extension above the side addition. This proposed extension's flank wall would be sited adjacent to the shared boundary and the ridge of its roof would not be materially set down below

that of the host property. Further, rather than being set back the front elevation of the proposed first floor side extension would align with the property's front wall. Accordingly, by reason of size, design and appearance, the proposed extension would not visually or physically be a subservient addition to the host property and, as such, it would be contrary to the guidance contained in the *Central Bedfordshire Design Guide Supplementary Planning Document (SPD)*.

7. Further, although there would be a gap between the resulting property and No. 51 this would be achieved only by reason of the siting of this neighbouring dwelling being sited away from the shared boundary. The existing gap at first floor level would be materially reduced and this would fail to respect the gaps between the flank walls the other detached and semi-detached dwellings fronting the cul-de-sac and more generally within the surrounding area. The loss of the first floor gap would also adversely affect the spacious character and appearance of the surrounding area.
8. At the rear of the property an external staircase is proposed between the first floor side extension and the garden. Such an addition to the host property would represent an incongruous form of development because it would be unrelated to the design of this dwellings and the appearance of the rear elevations of other 2-storey dwellings situated within the surrounding area.
9. On this issue it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and the surrounding area and, as such, it would conflict with Policy HQ1 of the Central Bedfordshire Local Plan (LP) and the guidance contained in the SPD. Amongst other matters, this policy requires all developments, including extensions, to be of the highest possible design quality, to respond positively to their context and for their size and appearance to relate well to the existing local surroundings.

Living Conditions

10. The property is situated within a residential area and some degree of overlooking of parts of rear gardens from neighbouring properties, particularly from first floor windows, can be expected. However, the proposed rear staircase with its associated landing would afford a significant degree of overlooking of the whole of the rear garden of No. 51, in particular the area adjacent to the rear elevation which is currently not overlooked from the appeal property. Accordingly, there would be an unacceptable effect on the privacy of the occupiers of No. 51 by reason of the increased degree of overlooking of their garden.
11. In undertaking this assessment account has been taken of the proposed openings at first floor level which would be sited closer to the shared boundary with No. 51 when compared to the current windows. These proposed openings would serve non-habitable rooms and, if this appeal succeeds, it would be possible to require obscure glazing to be erected to minimise harm associated with overlooking. However, this does not alter the identified unacceptable harm associated with the potential overlooking from the proposed balcony.
12. It is noted that the appellant claims the proposed staircase would only be used for emergency purposes in the event of fire. However, it has not been demonstrated that use of the proposed staircase only for emergency purpose could be secured and effectively enforced by a suitable condition.

13. Accordingly, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 51 Cromer Way by reason of overlooking and the associated loss of privacy and, as such, there would be a conflict with LP Policy HQ1 which refers to a development not resulting in an unacceptable adverse impact upon nearby existing uses, including impacts on privacy. There would also be a conflict with the guidance contained in the SPD concerning overlooking being avoided as neighbours have a right to privacy.

Other Matters

14. The appellant has highlighted social and economic benefits associated with the appeal scheme, including construction jobs during the erection of the proposed development. However, these jobs would be short term and the social benefits would only accrue to the occupants of the property rather than the wider community. These claimed benefits are only given limited weight in the determination of this appeal. Accordingly, the unacceptable harm which has been identified demonstrably outweighs these claimed benefits and, as such, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR