



Appeal Decision

Site visit made on 6 January 2025

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2025

Appeal Ref: APP/B0230/W/24/3350740

11 Dudley Street, Luton LU2 0NP

- 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 Jayawathy Bavanamthan against the decision of the Council of the Borough of Luton.
 - The application Ref is 24/00294/FUL.
 - The development proposed is erection of a two storey side and rear extension to form shop extension and staircase to an additional one bed flat at first floor, and erection of "L" shaped rear dormer to facilitate a loft conversion to create one two bed flat and insertion of four front lights and alterations to fenestration.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site benefits from planning permission for the erection of a two-storey side and rear extension to form shop extension and staircase to an additional one bed flat at first floor and alterations to fenestration (decision notice 22/00137/FUL, granted 29 September 2022). On my site visit, I saw that the development permitted in 2022 was under construction but had not yet been completed. The appeal scheme seeks permission for the development that has been commenced, plus a dormer and other development to facilitate the conversion of the loft to provide an additional residential unit. In assessing the scheme, I have taken account of my observations of the development under construction as well as the submitted plans.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. The parties have been invited to comment on the revised Framework, and I have taken the comments received into account.

Main Issue

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

Reasons

5. The host property is a two-storey end of terrace building on a commercial frontage. It has a retail unit on the ground floor, with existing and permitted residential units above. There is wide variety in the height, scale, and appearance of buildings in the area, and many of those nearby are taller than the appeal property.

6. The Council has not raised any objection to the character and appearance of the elements of the proposal that already have the benefit of planning permission, including the side and rear extension. From the evidence before me, and my own observations, I have no reason to take a different view. I have therefore focused my reasoning on the impact of the proposed loft extension.
7. The dormer would be a substantial structure that would extend across most of the rear facing roof slope of the host building, as well as the side facing roof of the permitted rear extension, forming an L-shape. The dormer would be set-in from the edges of the roofs, and it would be marginally set-back from the eaves. However, whilst the rear-facing element of the dormer would be set-down from the ridge, the side facing section would rise significantly above the height of the permitted rear extension thus concealing and dwarfing a large area of the roof beneath it. The resultant structure would therefore be disproportionately large, and it would lack subordination to the host property.
8. The proposed dormer would not increase the footprint of the building on the site, so as to lead to a harmful over-intensified use of the plot. However, even in the context of the taller buildings nearby, the dormer would appear unduly bulky due to its boxy shape and excessive scale in comparison to the modest size and height of the appeal property. This would cause the dormer to have an incongruent appearance that fails to integrate sympathetically with the host building. Therefore, even if the external materials were to match the existing building, the development in the form proposed would be a discordant feature in the local area.
9. Views from some public vantage points would be restricted by the existing frontage development along nearby roads. However, in addition to private views from the windows of the surrounding tall buildings, the side facing section of the dormer would be visible from Dudley Street across the Abacus House parking area. Due to its disproportionate height and massing, the proposed dormer would be overly conspicuous in those views, detracting from the wider urban scene.
10. In support of the appeal, I have been directed to two appeal decisions in the same Borough. The appeal scheme at 196 Leagrave Road¹ is different from this proposal in that it did not propose a loft extension. Nonetheless, in coming to a judgement on character and appearance, the Inspector noted that the proposal would have a lower ridge height than the existing rear projection. Similarly, in deciding the appeal at 46 Bishopscote Road², the Inspector found the proposed dormer would be set down from the ridge so as not to dominate the roof slope. It follows that neither appeal scheme is directly comparable to the appeal proposal, which would include a side facing element that would extend well beyond the height of the rear extension beneath it. Therefore, the two referenced appeal decisions have not been determinative to my decision.
11. Overall, I conclude that the proposal would cause harm to the character and appearance of the host property and local area. Consequently, there would be conflict with Policies LLP1 and LLP25 of the Local Luton Plan 2011-2031 (November 2017) (LP), insofar as they expect development to be of a high-quality design that preserves or improves local character and responds positively to the site and building context.

¹ Appeal decision reference: APP/B0230/W/19/3225435, dated 04 July 2019

² Appeal decision reference: APP/B0230/W/21/3273311, dated 30 September 2021

Other Considerations

12. There would be some benefits arising from the proposal, including the delivery of an additional dwelling, which would contribute towards the local housing needs set out in Policy LLP15 of the LP, and the national objective to significantly boost the supply of homes. Moreover, whilst I have not been provided with a copy of a Masterplan for High Town, the proposal would contribute towards the strategic objectives of Policy LLP10, due to it comprising a residential-led mixed use development in the High Town Strategic Allocation. However, the contribution that would be made by the proposal would be modest due to its scale, and this limits the weight these benefits carry.
13. The proposal could carry support from development plan policies in respect of making optimal use of sites, and the Framework supports upward extensions and density increases where appropriate. However, like the development plan, the Framework expects such proposals to be well-designed and sympathetic to local character.
14. There is no substantive evidence of third-party objection to the scheme and no harm has been identified in respect of the standard of the proposed accommodation, the living conditions of neighbours, or highway matters. I have no reason to take a different view on these issues. The absence of harm weighs neither for nor against the proposal.

Conclusion

15. I have found that the proposal would conflict with the development plan due to the harm that would be caused to the character and appearance of the host property and the local area. The other considerations in this case do not indicate a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, I conclude the appeal should be dismissed.

E Catchside

INSPECTOR