
Appeal Decision

Site visit made on 21 January 2025 by E Street BSc (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2025

Appeal Ref: APP/B0230/D/24/3354064

17 Malvern Road, Luton LU1 1LG

- 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 Umair Rathore against the decision of Luton Borough Council.
 - The application Ref is 24/00740/FULHH.
 - The development proposed is described as “erection of a single storey rear extension after demolition of existing small rear storeroom and alterations to fenestration and render finish”.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. A revised National Planning Policy Framework (the Framework) was published prior to the determination of this appeal. The substantive parts of the new version do not however materially differ from the previous insofar as they relate to the main issues. The cases of the main parties will not therefore be prejudiced by my reference to the new version. I have proceeded on this basis. In addition, and notwithstanding the description above, the foundation works and the change of roofline to the existing single storey element have been implemented. Therefore, the appeal has been assessed on a part retrospective basis.

Main Issues

4. The main issues are the effect of the proposal on a) the character and appearance of the area and b) the living conditions of the occupiers of No 15 Malvern Road (No 15) with particular regard to outlook and light.

Reasons for the Recommendation

Character and Appearance

5. The appeal building is a terraced two storey dwelling which has been relatively unchanged. The rear features a two-storey outrigger which is consistent across the terraced row. There are some instances of single storey rear extensions which follow the pleasant consistency of the rest of the dwellings by virtue of their relative

scale, roof form and material choice. This and the clear traditionality of the buildings contribute positively to the character and appearance of the area.

6. The appeal proposal is to intersect the existing pitched roof single storey element of the dwelling with a flat roof along with an increase in length. This would be visually awkward and detract from the prevailing consistency of pitched roofs. Whilst it would be subservient in comparison to the host building, the height of the extension is in dispute. Notwithstanding this, the potentially lowest point of the extension in combination with the overall footprint and roof form would present an unacceptably large and inappropriate extension. The material choice of render would not represent a choice consistent with the surrounding buildings and would emphasise its incongruity.
7. With this and the above in mind, the appeal scheme would cause unacceptable harm to the character and appearance of the area. It would therefore conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2017 and the Framework which together seeks to ensure that development proposals are of a high-quality design and standard.

Living Conditions

8. The appeal proposal would address the side boundary of No 15 and be taller than the existing fence line with no gap. It would introduce a blank elevation with no visual interest; however, it would only be partially felt due to the existing boundary treatments. There would be views of the proposal from the immediately adjacent window serving No 15, nevertheless, due to its small scale and its obscure nature the full effect of the proposal would be limited. In addition, whilst there would be some loss of light, this would again be marginal due to the existing orientation of the dwelling. The integrity of the garden and most of the remaining open space is otherwise unincumbered in its rearward aspect and would not affect the enjoyment of the space by occupiers.
9. With this and the above in mind, the appeal scheme would not harmfully affect the outlook and light of the occupiers of No 15. Resultantly, this element of the appeal would comply with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2017 and the guidance in the Framework which, amongst other things, seek to ensure that living conditions of the occupiers of properties are protected.

Conclusion and Recommendation

10. The proposed development would not comply with the development plan, specifically in regard to the first main issue. I have found in the appellant's favour on the second, but this would be a lack of harm and thus neutral in any balance. I have been given no compelling reason, taking into account any other material considerations advanced, to deviate from the development plan. I therefore recommend that the appeal should be dismissed.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR