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## Appeal Decision

Site visit made on 24 February 2025

**by Ian McHugh DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 19<sup>th</sup> March 2025**

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**Appeal Ref: APP/B0230/D/24/3357032**

**6 St Monicas Avenue, Luton, LU3 1PJ**

- 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 Aqib Hussain against the decision of Luton Borough Council.
  - The application Ref is 24/01013/HHFT.
  - The development proposed is a two-storey side and rear and single-storey rear extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a two-storey side and rear and single-storey rear extension at 6 St Monicas Avenue, Luton, LU3 1PJ, in accordance with the terms of the application Ref 24/01013/HHFT, subject to the following conditions:
  - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers: 102; 104; 105; and 106.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 4) Prior to the extensions hereby approved being first brought into use, the two vehicle parking spaces as shown on the approved plans shall be laid out, surfaced and made available for use. The spaces shall be retained for vehicle parking at all times.
  - 5) Notwithstanding the provisions of the Town and Country Planning (General Development) Order, 2015, (or any Order revoking and re-enacting that Order with or without modification) no window openings shall be fitted in the flank elevation of the first-floor of the extension facing number 8 St Monicas Avenue, without the prior permission of the Local Planning Authority
  - 6) No waste bins shall be permanently stored on the front garden of the site unless they are placed in a formal bin store area whose details have been submitted to the Local Planning Authority in writing for approval. The approved details shall be installed within one month of the approval of any details and retained for as long as the extension remains in existence.

## Main Issue

2. The main issue is the effect of the proposal on both the character and appearance of the existing dwelling and the area in which it is situated.

## Reasons

3. The appeal property is an end-of-terrace two-storey, two bedroomed dwelling, which is situated on a prominent corner location in a densely built-up area of the town. The area is characterised by terraced and semi-detached houses, a number of which have been altered and extended.
4. The proposal is to construct a two-storey side and rear extension, plus a single-storey rear extension. The side wall of the extension would be positioned close to the side boundary with St Monicas Avenue. It would provide an additional bedroom space on the first-floor and kitchen/dining and utility space on the ground-floor. The proposal also shows two off-street parking space in the rear garden. These spaces would be accessed over a parcel of land owned by the appellant. The laying out of the parking spaces would require the removal of an existing outbuilding.
5. The Council considers that the proposal would be out of scale and character with the property and its surroundings and that it would be harmful to the spaciousness and openness of the area. It states that the proposal would conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan (LP) and with the aims and objectives of the National Planning Policy Framework (The Framework). The LP policies seek (amongst other things) to ensure that development responds to local character and that extensions are ancillary in scale to the original building and that adequate private garden space is provided. Paragraph 135 of The Framework 2024 also requires developments to be sympathetic to local character and be visually attractive.
6. My attention has been drawn to earlier planning permissions granted by the Council at the property for two-storey side and single-storey rear extensions (references: 14/00515/FUL and 20/01617/FULHH). These permissions have expired, but the approved plans were similar in scale and design to the current appeal proposal. The side wall of the expired development would have been positioned slightly further from the side boundary.
7. Whilst the current appeal proposal shows a degree of subordination, due to the lower first-floor ridge line and the setting back of the front wall of the extension, it would result in substantial increase in the size of the property. In that regard, there is a degree of conflict with Policy LLP19 of the LP.
8. Having said that, I consider that the design of the extension complements the existing dwelling and the removal of the outbuilding to create the two parking spaces would ensure that the openness of the site, particularly at the rear, would be retained.
9. A further material consideration is that other properties in corner locations in the vicinity of the appeal site have been extended up to the side boundaries of the plots. I observed two of these nearby on the junction of St Monicas Avenue and St Margarets Avenue. These are an established characteristic of the area and the impact of the appeal proposal on the streetscene would be no different.

10. For these reasons, I conclude that the proposal would not have an unacceptably harmful effect on the character and appearance of either the existing dwelling or the area in which it is situated.

### **Conditions**

11. The Council has suggested conditions in the event of the appeal being allowed. In addition to the standard condition relating to the time period for commencing the development, a condition is also imposed that lists the approved plans. To ensure a satisfactory external appearance, a condition requiring the use of matching external materials is also necessary.
12. The Council has suggested that a condition be imposed that would restrict the use of the premises to one family dwelling house (Use Class C3). It is not clear why this condition has been recommended and in the absence of any justification, I consider it be unreasonable and unnecessary.
13. In addition, the Council has recommended that a condition preventing the installation of windows on the flank elevations of the appeal building without the prior permission of the local planning authority. In my opinion, a blanket restriction is unreasonable, as windows in the ground floor or on the flank elevation facing the street would not result in any unacceptable loss of privacy. However, I accept that windows on the flank elevation of the first floor of the extension facing number 8 St Monicas Avenue could result in overlooking. Therefore, I have imposed a condition accordingly.
14. To ensure off-street parking provision, a condition is imposed that requires the laying out of the proposed car parking spaces prior to the extensions being first brought into use.
15. Finally, the Council recommends that a condition controlling the storage of refuse bins be imposed. I consider this to be reasonable and necessary in the in the interests of the appearance of the area.

### **Conclusion**

16. For the reasons given above, it is concluded that the appeal be allowed.

*Ian McHugh*

INSPECTOR