



Appeal Decision

Site visit made on 24 February 2025

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

Appeal Ref: APP/B0230/D/24/3353965

30 Chapter House Road, Luton, LU4 0NN

- 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 Oleksandr Khomchuck against the decision of Luton Borough Council.
 - The application Ref is 24/00443/FULHH.
 - The development proposed is single-storey side and rear extensions, front and rear dormer windows and front rooflight to facilitate a loft conversion, all brickwork to render and alterations to fenestration.
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Decision

1. The appeal is allowed and planning permission is granted for single-storey side and rear extensions, front and rear dormer windows and front rooflight to facilitate a loft conversion, all brickwork to render and alterations to fenestration at 30 Chapter House Road, Luton, LU4 0NN, in accordance with the terms of the application Ref 24/00443/FULHH, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers: 01; 02; and 04.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the appeal dwelling and the streetscene.

Reasons

3. The appeal property is a semi-detached dwelling, which was originally constructed as a bungalow. It is situated in a residential area where a number of properties have been altered and extended. Some of these alterations/extensions include relatively large front facing dormers.
4. The development proposed in this appeal has already been carried out and consequently, the proposal is to retain what has been built. A material consideration, which in my opinion carries significant weight, is an earlier planning permission that was granted by the Council on 19 April 2021 (21/00260/FULHH). The development approved previously was similar to the appeal proposal with the description being "single storey side and rear extensions, front dormer and rear dormer windows to facilitate loft conversion." The main difference between the two is the external facing materials, revised fenestration, and door detail.
5. The Council states that the appeal proposal is harmful to the design and character of the original dwelling, due to the insertion of an additional entrance door, the design of the dormers, the use of render and the appearance of the roof tiles. It

cites a 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. I have compared the plans that were approved in 2021 with those that are subject to this appeal. In my opinion, there is very little difference in terms of the scale and design of the proposals. The rear extension is slightly wider, but the Council does not object to this. In addition, a small rooflight has been installed at the front. Having said that, the extensions are large in relation to the original dwelling and, therefore, there is some conflict with the LP policies.
7. The Council also states that the dormers that have been constructed are higher than those previously approved. The appellant disputes this and he has submitted an aerial photograph which he considers to show that the dormers have been constructed below the ridge line. Whilst this is not wholly conclusive, I am not persuaded that any additional height makes any significant difference to the appearance of the dormer extensions in relation to either the existing property or the streetscene.
8. The Council also points to the entrance door on the front elevation, which has been positioned towards one side of the dwelling. It considers this to be a discordant feature. However, that door was also shown in a similar position on the approved plans in 2021.
9. Turning to the external materials, I acknowledge that the expanse of white render and the roof tiles that have been used are at odds with the materials that are predominantly used on other dwellings along Chapter House Road. These tend to be brickwork with small panels of render and smaller tiles, although the appellant has provided examples of rendered properties in the general locality of the appeal site, for example on McCauley Road. He also states that the construction took place during the pandemic, when the availability of materials was limited.
10. Whilst the materials used have contributed to the dwelling appearing prominent in the streetscene, I am satisfied that it is not unduly harmful, as much of the prominence is due to the size of the front dormer, which I have found to be very similar to that previously approved.
11. For these reasons, I consider that the proposal does not have an unacceptably harmful effect on the appearance of the existing dwelling or on the streetscene, particularly when compared to the previous approval.

Conditions

12. The Council has suggested conditions in the event of the appeal being allowed. As the development has been carried out, there is no need for conditions relating to the commencement of development or the external materials. For clarity, a condition is imposed listing the approved plans.
13. The Council has also suggested that a condition be imposed that would prevent parts of the property from being used as an additional separate/independent

dwelling. However, planning permission would be required in such an event and that would enable the Council to exercise control. Consequently, the suggested condition is unnecessary.

Conclusion

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

Ian McHugh

INSPECTOR