



Appeal Decision

Site visit made on 25 February 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 April 2025

Appeal Ref: APP/B0230/D/25/3358383

4 Brunel Court, Luton LU4 0RZ

- 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 Shaheer Aziz against the decision of Luton Borough Council.
 - The application Ref is 24/00550/FULHH.
 - The development proposed is a first floor extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a first floor extension at 4 Brunel Court, Luton, LU4 0RZ in accordance with the terms of the application, Ref 24/00550/FULHH subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: 078A/BRU/MAR24, 078C/BRU/MAR24, 078E/BRU/MAR24, DCO1 and DCO2.
 - 3) The external surfaces of the development hereby permitted shall match those of the existing dwelling.

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. The appeal form uses the description on the decision notice. However, I am satisfied that the description on the application form, which I have used above, accurately describes the development to which the appeal relates. In addition, 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 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 thereto.

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 Number 5 Michael Hand Court (No 5).

Reasons for the Recommendation

Character and Appearance

5. The appeal site is a semi-detached property which appears to be relatively unaltered. It is sited within a small enclave of dwellings of a relatively uniform appearance. The nature of the court means that the dwellings are staggered in their siting with different elements visible on the street scene. These features in combination lend a pleasant consistency which contributes positively to the character and appearance of the area.
6. The appeal proposal would not increase the land take of the overall dwelling and would not be viewed as excessively large. Whilst there would be an increase in height, the combination of works would not result in a loss of the openness experienced in the courtyard. Moreover, due to the existing set back, staggered siting and ridge height it would be appropriately subordinate to the property. As a result, the proposal would be a sympathetic addition which would relate well to the building.
7. The semi-detached buildings are already unsymmetrical by virtue of the window and door placement. Consequently, the additional storey would not harmfully detract from their semi-detached nature due to their already unbalanced appearance. Given this and the above, the proposal would not detrimentally change the building to result in unacceptable harm to the character and appearance of the area. The proposal would thus comply with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan (LLP) 2017 and the Framework which together seek to ensure that development proposals are of a high-quality design and standard.

Living Conditions

8. No 5 is a bungalow which sits to the rear of the appeal building. Whilst the Council's reason for refusal does not explicitly state the harm to the neighbours' living conditions. Their evidence and decision notice allude to an unacceptable effect on outlook due to their concerns of the property being boxed in by surrounding development including the proximity of the appeal building.
9. The appeal proposal would result in no increase in land take and would not bring built form any closer. It would however have an increase in height, but due to the existing siting and it only being marginally closer than the existing elements, the effects on outlook would be limited. Additionally, it would only impact the side elevation of the property which has minimal obscurely glazed windows and is already very close to a high timber fence. Whilst there is no denying that the occupiers would be able to see the extension, the general outlook quality would remain. Moreover, the rear garden and surrounding green spaces serving the property would remain unincumbered and retain an otherwise open aspect.
10. With this and the above in mind, the appeal scheme would not harmfully affect the living conditions of the occupiers of No 5. Resultantly, it would comply with Policy Policies LLP1, LLP19 and LLP25 of the LLP which, amongst other things, seek to ensure that the living conditions of the occupiers of properties are protected.

Conditions

11. The standard time limit condition and reference to the approved plans is necessary for enforcement purposes. In addition, it is necessary to ensure that the materials used are to match the host dwelling to be in keeping with the area. The Council have recommended a condition to secure the overall development as a C3 use for a single-family dwelling. However, this condition is not necessary, as this is what the current building is being used for and the appeal proposal is not seeking to change this nor subdivide the property. Such a condition would also be insufficiently related to the planning permission being granted. Any future change of use, beyond that which would be permitted by other means, would require a separate permission.

Conclusion and Recommendation

12. For the reasons set out above, the appeal scheme would comply with the development plan. I therefore recommend it be allowed, subject to the conditions set out.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, and planning permission is granted, subject to the conditions set out above.

John Morrison

INSPECTOR