
Appeal Decision

Site visit made on 26 March 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal Ref: APP/B0230/D/25/3358797

27 Icknield Way, Luton LU3 2BT

- 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 Valmir Nezaj against the decision of Luton Borough Council.
 - The application Ref is 24/01212/FULHH.
 - The development proposed is alterations from hip to gable roof on both sides with two front and one rear dormer and one front rooflight to facilitate a loft conversion and erection of a single storey rear extension and alterations to fenestration.
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Decision

1. The appeal is allowed and planning permission is granted for alterations from hip to gable roof on both sides with two front and one rear dormer and one front rooflight to facilitate a loft conversion and erection of a single storey rear extension and alterations to fenestration at 27 Icknield Way, Luton LU3 2BT in accordance with the terms of the application, Ref 24/01212/FULHH, subject to the conditions in the attached schedule.

Main Issue

2. The main issue raised by this appeal is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

3. The appeal site comprises a modest bungalow located at the end of a long row of detached bungalows. The property occupies a corner plot position at the junction of Icknield Way and Markham Road, within a residential area.
4. The surrounding area includes a mix of house types, including bungalows, as well as two storey detached and semi-detached properties. The majority of the properties in the area have hipped style roofs. In particular, the bungalows in the street scene have a steep hipped roof, as does the appeal property. A number of the bungalows in the locality also have modest dormer roof additions but the uniform character of the bungalows in the row is retained.
5. In contrast, the introduction of the proposed hip to gable extension would be an uncharacteristic roof extension within the street scene, which would be at odds with the character of the existing dwellings. As a result, the design and appearance of the proposal would not harmonise with the prevailing roofscape in the locality.
6. Furthermore, due to the prominent location of the appeal property within the street scene, the additional mass and appearance of the proposed roof extensions would

be stark and conspicuous, visible from various vantage points within the street scene.

7. Consequently, although the works would refurbish the house, the proposed development would be an incongruous extension to the host property. It would also be visually harmful within the street scene and acceptable facing materials would not overcome the significant concerns.
8. The Council do not raise concern with regard to the ground floor rear extension and I have no substantive evidence before me to disagree with their findings.
9. For the above reasons, I conclude that the proposed development would be harmful to the character and appearance of the host property and the surrounding area. As such, it would not accord with the identified design aims of Policies LLP1, LLP19 and LLP25 of the Luton Local Plan, which aim to secure high quality design for extensions, where the mass, layout and roofscape are in keeping with and proportionate to the dwelling and streetscape.

Other Considerations

10. Planning permission has recently been granted at the appeal property for “alterations from hip to half hip roof on both sides with rear dormer and three front rooflights to facilitate a loft conversion, erection of a single storey rear extension and alterations to fenestration”, Ref: 25/00037/FULHH (the approved development). A copy of the Council’s decision notice and the plans for the approved development have been submitted.
11. Given that the approved development also proposes a large roof extension, I consider that there is a greater than theoretical possibility that it might take place should the appeal be dismissed. Accordingly, this represents a fallback position and is a material consideration.
12. For significant weight to be afforded to a fallback position it would need to be equally or more harmful than the appeal scheme. In this regard, the approved development, with half hip gables would be an inferior design solution compared to the appeal scheme. As a result, it would be more harmful to the appearance of the host property and the street scene. In addition, even though the approved development does not include front dormer windows, the bulk and mass of the approved development would be similar to the extensions proposed as part of the appeal scheme. As such, any harm would be comparable.
13. Overall, the fallback scheme would be more harmful than the appeal scheme. As a result, the fallback position is a consideration which must outweigh the harm that I have identified in the main issue. It indicates that I should make a decision which is not in accordance with the development plan.

Conditions

14. I have had regard to conditions suggested by the Council, as well as to the National Planning Policy Framework and national Planning Practice Guidance. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. A condition to secure that the external materials, relating to the proposal, match those of the existing dwelling, or are those specified on the

approved plans, is also necessary in the interests of safeguarding the character and appearance of the host property and surrounding area.

15. The condition suggested by the Council, which prevents window openings in the flank elevations is necessary to protect neighbouring living conditions. A condition which secures the prior approval of two parking spaces on the site frontage is also reasonable and necessary in the context of the development proposed and to ensure suitable off street parking arrangements.
16. However, I have not imposed a condition requested by the Council to secure the overall development as a single-family dwelling. 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

17. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed.

N Bromley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not 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, numbered: IW-PA-02D, IW-PA-03B and IW-PA-04A
- 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 or those specified on the approved plans.
- 4) Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990 or 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 elevations of the building without the prior permission of the Local Planning Authority.
- 5) Notwithstanding the submitted plans, prior to the first use of the development hereby permitted, full details and specifications showing the parking area for two cars to the front of the site via the existing crossover, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved parking area shall be carried out in accordance with the approved details and shall remain in place for so long as the development hereby permitted remains in existence.