



Appeal Decision

Site visit made on 8 May 2025

by **K E Down MA(Oxon) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 May 2025

Appeal Ref: APP/B0230/D/25/3360822

14 Hillside Road, Luton, LU3 1DR

- 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 Muhammad Faizan Ali against the decision of Luton Borough Council.
 - The application Ref is 24/01242/FULHH.
 - The development proposed is a proposed home office/gym.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. Firstly, the effect of the proposed home office/gym on the character and appearance of the appeal site and the surrounding area; and secondly, the effect of the proposed home office/gym on the living conditions of occupiers of 12 Hillside Road and 37- 43 Cromwell Road with respect to visual intrusion and outlook.

Reasons

3. The appeal site comprises a modest terraced house and its long, narrow garden. It lies at the north end of Hillside Road with No 12 lying generally to the south and Nos 37- 43 Cromwell Road generally to the north with their rear elevations and small rear gardens facing south towards the side boundary of the appeal site.
4. The proposed office/gym would comprise an outbuilding at the far end of the appeal site garden. It would lie close to the rear and both side boundaries and would have a depth of some 7.8m on the boundary with dwellings in Cromwell Road and 6.48m adjacent to No 12. Its height would vary between some 2.5m and 2.8m.
5. A sufficient gap would remain between the dwelling and outbuilding such that it did not result in an overdevelopment of the plot and an adequate garden area would remain. From No 12 it would likewise not appear unduly cramped owing to the significant gap between it and the dwelling at No 12 and the open garden areas to the south.
6. However, when seen in the context of the rear of dwellings in Cromwell Road the layout would be overcrowded with the building lying adjacent to the entire rear boundary of both Nos 39 and 41. There would be a very small gap between the proposed outbuilding and No 41 and a gap of about 5m to the rear of No 39. The

height of the building and its proximity to the boundary would exacerbate the cramped effect, resulting in a layout that failed to reflect the open rear gardens in Hillside Road. Overall, it would therefore represent an overly intensive form of development that was out of keeping with the established character of the surrounding area.

7. It is concluded on the first main issue that although acceptable in the context of the appeal site in isolation, the proposed home office/gym, owing to its scale, height and proximity to dwellings in Cromwell Road would have a materially detrimental effect on the character and appearance of the surrounding area. This would conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2011-2031, adopted 2017. Taken together and amongst other things these expect new development to enhance the distinctiveness and preserve or improve the character of the area. Specifically, the layout and scale of annexes should be consistent with the character of the area and respect prevailing gaps and spaces between buildings.
8. Turning to the effect on the living conditions of neighbours, the distance between the proposed outbuilding and the dwelling at No 12 and the relative orientation of the building in relation to that property would ensure that no material visual intrusion or loss of outlook occurred. Likewise, 37 and 43 Cromwell Road would be sufficiently separated from the outbuilding such that no harm occurred. Moreover, at 41 Cromwell Road the effect would be limited by the fact that this dwelling has been built out from the rear outrigger at ground floor, almost to its rear boundary, such that the outlook from the ground floor of the dwelling is already compromised. The proposed outbuilding would not make this materially worse.
9. However, when seen from 39 Cromwell Road which has a ground floor rear window and small rear yard facing and in close proximity to the proposed outbuilding, the outlook would be materially compromised, resulting in an overbearing effect. The orientation of the outbuilding, to the south of the dwelling, would exacerbate the feeling of being hemmed in. The building, owing to its height rising to some 2.8m adjacent to the boundary at No 39, proximity to the shared boundary and relative orientation would therefore have an unacceptably enclosing effect on this property resulting in material harm to the living conditions of occupiers by reason of loss of outlook and visual intrusion.
10. It is concluded on the second main issue that whilst the proposed outbuilding would have no materially detrimental effect on the living conditions of occupiers of 12 Hillside Road or 37, 41 or 43 Cromwell Road, the significant loss of outlook from No 39 would result in material harm to the living conditions of occupiers. This would conflict with LP Policies LLP1, LLP19 and LLP25. Taken together and amongst other things these expect extensions, including outbuildings, to be well designed such that they have no materially harmful effect on the amenity of nearby occupiers including through visual intrusion.
11. The appellant suggests that a slightly lower building could be constructed under permitted development rights. That may be so. However, the additional height of the proposed outbuilding coupled with its proximity to the site boundaries would clearly exacerbate its harmful effect, notwithstanding that sufficient garden would remain at the appeal site. This argument therefore carries little weight in favour of the appeal proposal.

12. It is also suggested that there are other large structures in gardens in the surrounding area. However, I did not see any similar buildings in the immediate vicinity of the appeal site. In any case, the proximity of the appeal site to dwellings in Cromwell Road is not typical and the proposed development has been assessed on its own merits, as is required.
13. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR