



Appeal Decision

Site visit made on 2 July 2025

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 July 2025

Appeal Ref: APP/B0230/C/23/3321776

30 Ambleside, Luton, Bedfordshire LU3 2SF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mr Iqbal Miah against an enforcement notice ("EN") issued by Luton Borough Council.
 - The EN was issued on 5 April 2023.
 - The breach of planning control as alleged in the EN is: Without planning permission the erection of a front porch and a front and side canopy on the Land. ("the Unauthorised Development").
 - The requirements of the EN are to:
 - (i) Remove the Unauthorised Development from the Land.
 - (ii) Remove all associated building materials and rubble and waste materials arising from compliance with step (i) above from the Land
 - The period for compliance with the requirements is: Four calendar months after this Notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the 1990 Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.
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Decision

1. The appeal is dismissed, the EN is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act.

Preliminary Matter

2. A revised National Planning Policy Framework has been published since the EN was issued. However, it does not raise any new issues that are determinative to the purposes of the appeal and therefore injustice to the parties does not arise.

The Appeal on Ground (a) and the Deemed Planning Permission

3. An appeal under ground (a) is that planning permission should be granted for the matter alleged.
4. The **main issue** is the effect of the development on the character and appearance of the surrounding area.

Reasons

5. The appeal site is located on a residential street consisting of 1.5-storey semi-detached dwellings that were constructed as one development. The dwellings were originally constructed of pre-cast reinforced concrete to the exterior walls with a grey tiled mansard roof. The exterior walls of most of the dwellings have since been clad in red brick and have a homogenous character and appearance due to

the lack of alterations to their front elevations. A front garden/off-street parking area separates the dwellings from the road.

6. A porch with an attached open-sided canopy has been erected across the full width of the dwelling's front elevation that extends up to the shared boundary with 29 Ambleside. It is constructed of buff brick with red brick detailing and has a red tiled hipped roof that bisects the existing grey tiled mansard roof.
7. A single storey canopy infills the gap between the dwelling and the boundary shared with No 29 and extends the full depth of both the original dwelling and an existing rear extension. It is constructed of a buff brick wall with red brick detailing to the front, with white plastic opaque panelling to the side and rear walls, and has a clear plastic corrugated mono-pitch roof.
8. I acknowledge that the buff brick and red brick detailing of the front porch/open-sided canopy and the front wall of the side canopy reflect the materials used to clad the exterior walls of the dwelling. However, the Council assert that planning permission has not been obtained for the exterior brick cladding, which has not been disputed by the appellant.
9. The materials of the front porch/open-sided canopy are highly conspicuous and visually discordant when compared to the red bricks and grey roof tiles that are dominant along the road. The materials of the side canopy, which can be clearly seen from the road, are rudimentary and detract from the character and appearance of both the host dwelling and the surrounding area.
10. The hipped roof of the front porch/open-fronted canopy is unsympathetic to the host dwelling's simple mansard roof design as a consequence of its shape and attachment to the original roof. Furthermore, the front porch/open-fronted canopy harms the character and appearance of the pair of semi-detached properties by significantly unbalancing their symmetry.
11. The dwellings immediately surrounding the appeal site have an absence of built development forward of their front elevations, which creates an open and uniform character and appearance. The host dwelling and its attached neighbour, together with the pair of semi-detached dwellings at 28 and 29 Ambleside are positioned closer to the road than the neighbouring pairs of semi-detached dwellings. Consequently, even though the front porch/open-sided canopy is subordinate to the host dwelling in terms of its scale, it is highly conspicuous from the road and has a dominant appearance that erodes the area's open character and appearance.
12. For the above reasons, the development harms the character and appearance of the surrounding area. It conflicts with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2011-2031, adopted 2017 which, amongst other things, seek to ensure that all new development contribute to preserving or improving the character of an area; the scale, mass, layout and external materials of an extension are consistent with and proportionate to the principal dwelling, surrounding properties, streetscape and character of the area; and that an extension has a roof style and pitch which is in keeping with the original roof.

Other Matters

13. I appreciate that the development has provided an additional storage area and a dry entrance for the occupiers of the host dwelling. However, I am not persuaded that these benefits could not be achieved by a less harmful development.
14. I acknowledge that the development does not harm the living conditions of the occupiers of neighbouring occupiers, that the host dwelling is not a designated heritage asset, nor are there any designated heritage assets in the vicinity of the appeal site. However, these are neutral matters in the planning balance.
15. The appellant states that there was no objection to the development from neighbouring residents. However, this does not free me of my obligation to determine the appeal in the public interest.

Conclusion on Ground (a) and the Deemed Planning Permission

16. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal on ground (a) should be dismissed, and the deemed planning permission should be refused.

The Appeal on Ground (g)

17. An appeal under ground (g) is that the period specified for compliance in the EN falls short of what should reasonably be allowed. The period for compliance specified in the EN is 4 calendar months.
18. The appellant asserts that 4 calendar months is not reasonable or practical as it does not allow sufficient time for them to raise finance to fund the works, to appoint a contractor, or for the contractor to undertake the works. Therefore, they have requested a compliance period of 9 months.
19. I am satisfied that a contractor would need to be employed to undertake the work. However, the development is relatively small in scale and I have not been provided with evidence to suggest that their removal would be overly complicated or time consuming. Furthermore, limited evidence has been provided to substantiate that the necessary funds could not be raised within the EN's compliance period.

Conclusion of Ground (g)

20. Consequently, I find that the four calendar month compliance period afforded by the EN does not fall short of what is reasonable.

Overall Conclusion

21. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the EN and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

A Berry

INSPECTOR