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## Appeal Decision

Site visit made on 1 July 2025

**by Mark Caine BSc (Hons) MTPL MRTPI LSRA**

an Inspector appointed by the Secretary of State

Decision date: 15<sup>th</sup> July 2025

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**Appeal Ref: APP/B0230/D/24/3354800**

**4 Ventnor Gardens, Luton LU3 3SN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Harishkumar Tailor against the decision of Luton Borough Council.
  - The application Ref is 24/00937/PARES.
  - The development proposed is a single storey rear extension.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The information submitted with the appeal confirms the appellant's name, and I have used that in the banner heading above.
3. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g), Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development.
5. Where any occupier of any adjoining premises objects to the proposed development, Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of any adjoining premises. Following the Council's notification of the proposed development, an objection was received from the occupiers of 2 Ventnor Gardens. The Council also subsequently raised concerns regarding the effect of the proposed development on the living conditions of the occupiers of this neighbouring property, in respect of light and outlook. It refused the application on that basis.

### Main Issue

6. The main issue is therefore the effect of the proposed development on the living conditions of the residents of 2 Ventnor Gardens, with particular regard to outlook and light.

## Reasons

7. The appeal relates to one half of a pair of 2 storey semi-detached dwellings that are located on the Ventnor Gardens cul-de-sac. The submitted plans and information indicate that the proposed extension would measure approximately 5 metres (m) in length and approximately 3 m in height. Existing mature vegetation planted along the rear boundary of No 2's back garden area already creates a barrier to light and results in some shading effects to this neighbouring property. Moreover, I am satisfied that the orientation of the proposed extension in relation to the sun path is such that it would not result in an unacceptable loss of sunlight or an undue amount of overshadowing occurring to the rear habitable room openings and rear garden area of No 2.
8. Nonetheless, it would be located in proximity to the shared boundary and the ground floor rear patio doors and habitable windows of this neighbouring property. At such close quarters, the size and scale of the proposal would result in an undue sense of enclosure that would significantly prejudice the level of outlook from these openings, thereby having an oppressive and overbearing effect.
9. Accordingly, I find that the proposed development would cause unacceptable harm to the living conditions of the residents of 2 Ventnor Gardens, arising from a loss of outlook only. Insofar as they are a material consideration, the proposal would conflict with Policies LLP1, LLP19 and LLP25 of the Local Luton Plan 2011-2031 (2017). These seek, amongst other things, to ensure that the living conditions of the occupiers of properties are protected. Conflict would also arise with the design objectives of the National Planning Policy Framework, insofar as it requires a high standard of amenity for existing and future users.

## Other Matters

10. Whilst I have some sympathy in respect of the appellant's household's accessibility needs, personal circumstances seldom outweigh more general planning considerations, particularly where development is permanent. It has also not been demonstrated that the proposal represents the only means of extending the property and satisfying this need. It has been put forward that the proposed development aligns with the neighbourhood character and building regulations. However, the lack of harm in these respects does not weigh in favour of the proposal. All of these matters therefore do not overcome or outweigh the harm that I have identified.
11. I have also had regard to the other examples of extensions that the appellant states have been permitted by the Council. Nonetheless, the appellant accepts that one of these is only 3 metres in length and I have not been provided with the full details of these schemes, including whether they were also applications to determine if prior approval is required for a proposed: larger home extension. On the evidence presented I therefore cannot be certain that they represent a direct parallel to the appeal proposal. I also note the appellant's willingness to maintain dialogue with neighbours and the Council, and to amend the design of the proposed extension. However, this would fundamentally alter the proposal, and I must deal with the application as submitted.

**Conclusion**

12. For the reasons given above, the appeal should therefore be dismissed.

*Mark Caine*

INSPECTOR