



Appeal Decision

Site visit made on 6 September 2025

by **A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2025

Appeal Ref: APP/B0230/C/23/3324798¹

Land at Al-Hira Educational and Cultural Centre, 1-7 Beechwood Road, Luton LU4 8RR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the “1990 Act”).
 - The appeal is made by Professor Masood Hazarvi against an enforcement notice issued by Luton Borough Council.
 - The enforcement notice was issued on 17 May 2023.
 - The breach of planning control as alleged is the erection of a single storey front side and rear extension and roof alterations on the land, in the approximate positions edged and hatched blue on Plan 1 attached to the issued notice.
 - The requirements of the enforcement notice are to: (1) Demolish the extensions and remove from the land and (2) remove all associated building materials and rubble and waste material arising from compliance with step (1) from the land.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on only one ground set out in section 174(2)(a) of the 1990 Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act for the development already carried out, namely, the erection of a single storey front side and rear extension and roof alterations on the land, in the approximate positions edged and hatched blue on Plan 1 attached to the issued notice at Al-Hira Educational and Cultural Centre, 1-7 Beechwood Road, Luton LU4 8RR.

Reasons

2. The terms of the deemed application are directly derived from the allegation. The reasons for issuing the notice refer to the effect of the development on residential amenity. The **main issue** is the effect of the development upon the living conditions of the occupiers of adjoining properties having regard to overlooking, overshadowing and visual intrusion.
3. The appeal site is an extended place of worship and used for educational and cultural purposes. It is located on the corner of Dunstable Road and Beechwood Road. There are residential properties in the immediate vicinity, but Dunstable Road is a main route and there are other places of worship and commercial properties and uses within proximity to the appeal site. The area is urban in character.
4. The Council explain that previous schemes had not been properly implemented in accordance with approved plans and there is some confusion if planning conditions

¹ Appeal refs 3324799 and 800 lapsed.

have been discharged. Details related to these previous schemes have been submitted for consideration. This evidence, and my own observations, confirm that the as built extensions are substantially different in design, bulk and mass.

5. Be that as it may, the design and layout of the extensions reflect the architectural style of the host building. The type of materials used on the outer skin, including timber boarding, does not have a visually intrusive effect, especially when seen in the context of an urban street scene. Additionally, given the distance and orientation, the evidence presented does not clearly show that the size and scale of the as built extensions adversely affect sunlight or daylight to neighbouring properties.
6. Things appear to have moved on the ground since the issuing of the notice and subsequent appeal. For example, it seems an exposed area to the rear elevation has been physically enclosed presumably in response to concerns about noise caused by people using the building. These concerns have been adequately addressed and, given the solid built form of the host building, the use of the extensions in connection with the place of worship is unlikely to be a source of continued annoyance, or cause general disturbance, to existing or future occupiers of properties along Beechwood and Dunstable Road.
7. Neighbours indicate they did not have objections to the original scheme permitted by the Council. However, the as built extensions do not adversely affect outlook from nearby residential properties, because of the building's corner setting and positioning, and the existence of wide gaps between the adjoining properties. For example, there is an intervening car park between the built form of the appeal building and neighbouring dwellings in Beechwood Road.
8. In my planning judgment, and contrary to the Council and interested party representations and submissions, I find that the overall scale and size of the as built extensions do not result in a building that has an adverse effect on neighbours' living conditions.
9. The reasons for issuing the notice clearly state that the Council does not consider conditions can make the development acceptable in planning terms. None are before me for consideration.
10. Drawing all the above threads together, I find that the development accords with the main aims and objectives of policies LLP1, LLP25, LLP31 and LLP32 to the Luton Local Plan (2017) as a whole, which broadly reflect design considerations set out in the National Planning Policy Framework.

A U Ghafoor

INSPECTOR