



Appeal Decision

Site visit made on 30 September 2025

By G Powys Jones FRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2025

Appeal Reference: APP/B0230/D/25/3369170

442 New Bedford Road, Luton, LU3 2BA

- 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 J Shahid against the decision of Luton Borough Council.
 - The application Ref is 25/00358/FULHH.
 - The development proposed is the erection of a two-storey side extension and raising the roof to create a bedroom and an en-suite bathroom.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a two-storey side extension and raising the roof to create a bedroom and an en-suite bathroom at 442 New Bedford Road, Luton, LU3 2BA in accordance with the terms of the application, Ref 25/00358/FULHH, subject to the conditions set out in the accompanying Schedule.

Main Issues

2. The main issues are the effect of the development on: (a) the character and appearance of the host property and its surroundings, and (b) on the living conditions of the residents of 444 New Bedford Road with particular reference to visual impact.

Preliminary and Procedural Matters

3. Reference is made to the planning history of the site including an appeal¹, which was dismissed. The appellant sought to address the Inspector's comments firstly, by making a pre-application submission to the Council and subsequently in a revised application which led to a planning permission² being granted by the Council for extensions and alterations to the dwelling. The latest planning application, resulting in this appeal, proposed amendments to the recently approved scheme. The planning history is material to my considerations with the appeal decision and 2025 permission attracting significant weight.
4. In the grounds of appeal, the appellant contends that the proposed height of the roof would match the height of the neighbouring properties. However, that is not apparent in the submitted drawing depicting the street scene³ which is one of the

¹ Ref APP/B0230/D/24/3339441 dated 13 May 2014

² Ref 24/01425/FULHH dated 5 March 2025

³ Drawing No. mma. 479

plans before me. Having regard to the judgement in the *Choice Properties*⁴ case, it is the appellant's responsibility to ensure that the plans submitted for determination are accurate.

5. A typographical error appears in the Council's decision notice. The reference to 444 Old Bedford Road in the second reason for refusal is mistaken – it should refer to New Bedford Road.
6. Since he could not be present at the appointed time of my visit, arrangements had been made for me to view the rear of the appeal site from the neighbouring dwelling at No 440.

Reasons

Character and appearance

7. The appeal property is a detached and unoccupied dwelling which looks in need of refurbishment. It stands alongside many other detached dwellings set within a lengthy, straight ribbon of development along the eastern frontage of the road in Luton's northern outskirts. Dwellings are well set back from the highway and separated from it by a wide grassed verge, which is punctuated by drives and several mature trees. The opposite side of the road is open and undeveloped.
8. The main changes to the approved scheme relate to a redesign to the rear, an increase in the roof's mass and the introduction of a two-storey side extension next to No 444 New Bedford Road in preference to the approved single storey extension.
9. Apart from the additional width introduced by the two-storey side extension the mass, shape, height and pattern of fenestration in the appeal scheme on the ground and first floors of the rear elevation are similar to that subject of the March 2025 permission. The main difference lies in the roof, which is to be heightened, and made wider to accommodate the two-storey extension. One of the chimneys would be lost as would one of the previously approved high-level gables.
10. The Council express concern that the additional mass created would be topped by a flat roof making the host property appear far bulkier than the existing dwelling, unacceptably so in its view.
11. The previous Inspector's comments on the appearance of the existing rear elevation and its roofs, has been partly overtaken by events by the Council's recent grant of permission, which represents another chapter in the planning history.
12. The proposed crown roof would be extensive, but when viewed from ground level it would not be immediately perceived as a flat roof, as the Council appears to suggest. Whilst the amendments introduced would increase mass and bulk, the elevational treatment proposed at the rear is acceptable, to my mind, and would not offend, particularly since views of the rear elevation are restricted.
13. Viewed from the front, and considering that the proposed two storey side extension would be set back, the front elevation for the most part would closely resemble that granted permission last March. The main difference would be the additional

⁴ *Choiceplace Properties Ltd v Secretary of State for Housing, Communities and Local Government EWHC 1070 (Admin)*

bulkiness of the roof, but as I found at the rear, the additional bulk would not prove disproportionate to the host property.

14. Moreover, the ribbon of development along this frontage displays a variety of designs, with different roof treatments, and the changes proposed would not look out of place. Clear views of the dwelling from the south are largely masked by trees.
15. Turning to the side extension, the Council oppose this since they regard the gap separating the appeal property from No 444 as significant in the street scene. This represents a departure from the Council's previous position taken on the appeal scheme and the view expressed in its pre-application response. I also note the previous Inspector's view on the proposed side extension in the context of its appearance and the closure of the gap. He did not object to the closure of the gap.
16. I do not attribute the same weight as the Council to the significance of the gap. The primary contribution to the sense of spaciousness felt in the locality derives, not from the gaps between dwellings, but from the open verdant frontage opposite. The width of gaps between dwellings on the eastern frontage differ from plot to plot, and when viewed obliquely they almost disappear. The differing designs of the individual dwellings means that a perceived terracing effect is avoided even if the gap were narrowed, and the appeal property's front wall stands slightly proud of that of its neighbour at No 444 at its nearest point with the result that it is readily distinguishable from its neighbour, and vice-versa.
17. I therefore conclude that the proposed scheme would not harm the character and appearance of the host property or surrounding area. Accordingly, I find no conflict with those provisions of policies LLP1, LLP19 & LLP25 of the Luton Local Plan directed to ensuring that development, and house extensions in particular, respect local character and whose design is consistent with that of the host and surrounding properties and the streetscape.

Living conditions

18. The Council considers that the closeness of the side extension to No 444 would result in it having an overbearing effect upon its occupants. It appears to me however that the appellant has addressed the previous Inspector's principal cause for objecting to the previous appeal scheme's two-storey side extension.
19. This has been achieved by reducing the depth of the extension so that it does not project beyond No 444's rear elevation. It would not therefore give rise to the principal ill-effects identified by the previous Inspector. The setback at the front would ensure that the extension would have no discernible effect on No 444's front elevation windows.
20. I conclude that the development would not result in harm to the living conditions of the residents of No 444 by reason of adverse visual impact, or loss of light as suggested by the neighbouring resident. Accordingly, I find no conflict with those provisions of policies LLP1, LLP19 & LLP25 of the Luton Local Plan directed to ensuring that development should not harm neighbouring residential amenity.
21. In considering this aspect I have taken into account the representations submitted on behalf of No 444's resident.

Conditions

22. It is necessary that the development is carried out in accordance with the approved plans, and a condition to this effect is therefore imposed in the interests of certainty. However, I shall not list the plan showing the street elevation, given the uncertainty as to its accuracy referred to earlier; the elevational drawings provide sufficient information as to the proposed and approved height of the enlarged dwelling. A condition in respect of materials is imposed in the interests of visual amenity.

Other matters

23. All other matters raised in the representations have been considered, including the references to the *National Planning Policy Framework*. No other matter is of such strength or significance as to outweigh the considerations leading to my conclusions.

G Powys Jones

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: The location plan and Drawing Refs: mp.21; mp.26; mp.244; mp.25444; mp.271654; mma.477; mma.478; mp.2654; mp.21654.
- 3) Save where otherwise specified in the application documentation, 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.