



Appeal Decision

Site visit made on 8 September 2025

by Julian Shirley DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2025

Appeal Ref: APP/B0230/D/25/3370184

9 Wolston Close, Luton LU1 5SS

- 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 Ms Andreea Moruz against the decision of Luton Borough Council.
 - The application Ref is 25/00352/FULHH
 - The development proposed is ground and first floor rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form.

Main Issues

3. The main issues in this appeal are:
 - the effect that the proposed development would have on the character and appearance of the host building.
 - whether the proposed development would provide satisfactory living conditions for existing and future occupiers, with particular regard to external amenity space; and
 - whether the proposed development would provide satisfactory living conditions for neighbouring occupiers at 7 Wolston Close, with particular regard to outlook.

Reasons

Character and Appearance

4. Located on the southern side of a cul-de-sac, the appeal property at 9 Wolston Close comprises a two storey mid-terrace dwelling with a rear garden and off-road parking at the front. Though terraced, the houses are slightly staggered, with the house at 7 Wolston Close situated north of much of No 9's boundary and No 9 situated north of part of 11 Wolston Close. The rear of the property is screened by several mature trees overhanging from No 7's garden. A blank side wall of a neighbouring property at 5 Wolston Close is adjacent to the fence at the end of No

- 9's garden. No 9 has an existing single storey rear extension of approximately 3m in depth.
5. Wolston Close is characterised by a mix of semi-detached and terraced two storey houses of a similar age and architectural style. Many properties, including the appeal property, appear to have been altered through the additions of conservatories and single storey rear extensions.
 6. The proposed development would extend the existing dwelling by a further 3m to the rear. In addition to the creation of a 6m deep extension at ground floor level across the majority of the width of the garden, the proposed development would include a wide 3m deep extension from the main rear wall of the house at first floor level.
 7. The proposed development would therefore substantially alter the footprint and scale of the existing dwelling. The proposed first floor would extend beyond the line of No 11 Wolston Close and although it would marginally step in on each side, would otherwise extend across the entire rear elevation of the existing dwelling.
 8. As a result, this would reduce the staggered relationship of the building line at first floor level and considerably increase the built form of the existing dwelling immediately adjacent to the boundary with No 11. This would not sufficiently reduce the sense of mass and scale of the proposed development in relation to the existing dwelling or the immediate surrounding context.
 9. Notwithstanding that the proposed development would closely match the roofline and materials of the original building, for the above reasons, the size and scale of the proposal would not be sufficiently subservient to the original dwelling. The proposal would therefore appear as a dominant and harmful addition to what is a modest building.
 10. The appellant refers to similar rear extensions in the immediate area that are of comparable depth and mass to the proposed development. However, I have not been provided with the details of these sites for comparison purposes.
 11. In the case of the planning permission at 24 Holtsmere Close, No 24 is semi-detached with a detached garage which is adjacent to the garage of the neighbouring dwelling. There are gaps between the pairs of dwellings that contribute towards a reasonably spacious residential character. As such, there are key differences in the built form at No 24 and the appeal site and I am unable to draw any direct comparisons between the two sites.
 12. I therefore find the proposed development would result in significant harm to the character and appearance of the original dwelling. As such, it would conflict with Section 12 of the National Planning Policy Framework (NPPF) and Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2011-2031 (the Local Plan). These policies require, amongst other matters, that extensions to dwellings are proportionate and ancillary to the scale of the original dwelling and respect spaces between buildings.

External Amenity Space

13. The proposed extension would further reduce the size of the garden from approximately 65m² to 35m² which falls below the Council's standard of 45m², as

set out in the Local Plan's Appendix 6. Given its size and together with the appearance and proximity of the side wall of the neighbouring dwelling at No 5 at the rear of the garden, the proposal would result in poor quality and limited external amenity space for existing and future occupiers of No 9.

14. The reduced external amenity space would provide limited opportunity for everyday residential activities, including outdoor play which is particularly important as those living there may include children. The appellant states that the size of the garden would be consistent with gardens those across the Borough in similar terraced contexts. However, no examples have been provided to substantiate this.
15. The appellant has suggested a condition would be accepted to reduce the depth of the proposed ground floor extension to bring the proposed external amenity space closer to the Council's standards. Whilst this may address this issue, this would materially change the proposal before me. Notwithstanding that the appeal process is not the place to evolve a scheme, no revised plans have been provided. The appeal has therefore been considered on the basis of the plans submitted.
16. The Council concluded that the proposal would not be visible from within the public domain and based on the evidence before me, I see no reason to disagree. In addition, it is noted that the existing car parking provision would be unaffected. However, compliance with such policies would be a neutral matter in the balance and does not weigh in favour of the appeal scheme.
17. For the above reasons, I conclude that the proposed development would have a harmful effect on living conditions for existing and future occupiers, with particular regard to external amenity space. The proposed development would therefore conflict with Section 12 of the NPPF, Local Plan Policies LLP1, LLP19 and LLP25, which amongst other matters seek good design to improve the character of the local area and requires external amenity space to be provided in accordance with the Local Plan's Appendix 6.

Living Conditions

18. The Council's third reason for refusal refers to the effect of the proposed development on outlook to the adjoining occupiers at 7 Wolston Close. The Council does not raise any objection on the effect on daylight and sunlight to the occupiers of No 7 and I see no reason to disagree with this.
19. Due to No 7 being located to the north of No 9, the distance between the proposed development and the rear building line of No 7 is sufficient to reduce any loss of outlook. In addition, No 7 is well screened by the mature trees alongside the boundary with No 9 that would limit the visual effect on the occupants.
20. As such, I consider the proposed development would not have an unacceptable effect on the living conditions of neighbouring occupiers at No 7 Wolston Close, with particular regard to outlook. Consequently, the proposed development would comply with Section 12 of the NPPF and Local Plan Policies LLP1, LLP19 and LLP25 which, amongst other matters, seek to minimise the effect of development on the amenity of nearby occupiers.

Conclusion

21. In conclusion, the proposed development would result in negative effects on the character and appearance of the existing dwelling and the standard of external

amenity space. Whilst the proposed development would not be visible from the public domain and there would be no material effects on the amenity of adjoining occupiers, compliance with the development plan in this matter carries neutral weight and so does not outweigh the harm I have identified.

22. As such, the proposal conflicts with the development plan when taken as a whole and there are no material considerations to indicate that planning permission should otherwise be granted. Accordingly, I conclude that the appeal should be dismissed.

Julian Shirley

INSPECTOR