



Appeal Decision

Site visit made on 2 September 2025 by T Morris BA (Hons) MSc

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2025

Appeal Ref: APP/B0230/D/25/3370465

50 Alton Road, Luton LU1 3NS

- 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 Jignesh Patel against the decision of Luton Borough Council.
 - The application reference is 25/00317/FULHH.
 - The development proposed is erection of rear dormer to facilitate loft conversion, conversion of garage into habitable space and alterations to the fenestration.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Council's third reason for refusal states that 'the development by virtue of the inaccurate information within the description of development as set out on the application form, fails to provide a true account of the proposal'. However, a revised description of development was agreed between the main parties. I am satisfied that the description of development together with the submitted plans is sufficiently accurate in order to determine the appeal on the main issues.
4. The Council's officer report indicates that their concerns are primarily focussed on the proposed rear dormer to facilitate the loft conversion. I have defined the main issues on that basis.

Main Issues

5. The main issues are the effect of the proposed rear dormer on:
 - i) the character and appearance of the host dwelling and the surrounding area; and,
 - ii) the living conditions of occupiers of 48 Alton Road, in terms of privacy.

Reasons for the Recommendation

Character and appearance

6. The appeal property is a two-storey detached dwelling situated in a residential area. The area is characterised by dwellings which are generally similar in terms of their scale and appearance. They mostly feature simple and unaltered pitched roofs which are hipped or gable ended. I observed on my site visit that flat roof dormer windows are uncommon in this area. The consistency of the roofscape contributes positively to the character and appearance of the area. While the appeal property has a flat roof two-storey rear extension which is an anomaly in the street scene, its main section nevertheless has a pitched roof in keeping with typical roofs in the area. Furthermore, the appeal property occupies a prominent position in the street scene by virtue of its corner plot location at the junction of Alton Road and Seymour Road.
7. Due to the excessive scale and mass of the rear dormer, it would appear as an unacceptably bulky and dominant addition to the roof of the host dwelling. Its flat roof form would jar with the typical pitched roof forms of the surrounding dwellings and would erode the consistency of the roofscape in the area. The visual harm of the rear dormer would be exacerbated by its elevated position at roof level and its prominent corner location where it would be conspicuous particularly along Seymour Road. Moreover, the excessive bulk and mass of the rear dormer would be further emphasised by its spread on top of the existing two-storey rear extension. Consequently, the rear dormer would be an incongruous addition to the host dwelling and would be significantly harmful to the appearance of the area.
8. I therefore conclude that the proposed development would have a harmful effect on the character and appearance of the host dwelling and the surrounding area. It would conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan (LP) (2017), which amongst other matters, require that extensions have a roof style which is in keeping with the original roof and that proposals should respond positively to the townscape and enhance the character and distinctiveness of the area.

Living conditions

9. 48 Alton Road (No 48) is a semi-detached dwelling located adjacent to the appeal site. The rear garden of No 48 shares a side boundary with the appeal property which is mostly formed of a brick wall of a moderate height. The flat roof two-storey rear extension of the appeal property already extends significantly beyond the rear elevation of No 48. It therefore already likely has a significant visual presence when experienced from the rear windows and the rear garden of No 48.
10. Although the rear dormer would introduce windows at an elevated position close to the side boundary of the site, these would directly overlook the flat roof of the two-storey rear extension at the appeal property. While it might be possible to see into the rear garden of No 48 from these windows, this would be limited to an oblique angle, which is common in built-up areas where dwellings are located close to one another. Furthermore, the rear dormer's closest window to the side boundary with No 48 would serve the area at the top of the stairs, with the main bedroom window set away from the boundary. In these circumstances, the rear dormer would not result in any significant or unacceptable overlooking of the rear garden of No 48.

11. While the rear dormer would be large, given that it would be mostly contained on the rear roof slope of the host dwelling, it would not be overtly noticeable or visually intrusive when viewed from the windows in the rear elevation of No 48. Although it would likely be visible from the rear garden of No 48, it would be viewed alongside the existing two-storey rear extension at the appeal property. Given the scale of the existing extension as well as its close proximity to the side boundary, it is already an obvious feature when experienced from the rear garden of No 48. In this particular context, the rear dormer would not be unacceptably noticeable or visually intrusive when viewed from the rear garden of No 48.
12. I therefore conclude that the proposed development would not be significantly harmful to the living conditions of occupiers of No 48, in terms of privacy. On this main issue, the proposal would comply with Policies LLP1, LLP19 and LLP25 of the LP, which amongst other matters, state that extensions should not adversely affect the amenity of nearby occupiers in terms of visual intrusion and loss of privacy, and that proposals should minimise overlooking.

Other Matters

13. The appellant suggests that the rear dormer would be permitted development with some slight adjustments and could be applied for under a lawful development certificate (LDC). However, there is no LDC before me in order to make a full comparison between the appeal proposal and a theoretical permitted development scheme. In any case, the rear dormer's considerable scale and mass is integral to the harm identified under the first main issue. Given that a permitted development rear dormer would have to be setback onto the roof slope as illustrated in the appellant's statement of case, it would be smaller, and therefore less harmful to the character and appearance of the dwelling and the area. Consequently, the prospect of a permitted development rear dormer does not alter my conclusions on the appeal overall.
14. The appellant states that there are many other box dormers within the area, however I have not been provided with the full planning background to any other examples in order to give them significant weight in the appeal. I have determined this appeal on its own individual planning merits.
15. Although it did not form a reason for refusal, the Council also refer to the proposed window in the first-floor side elevation of the appeal property, which they state would increase the perception of being overlooked at No 48. This issue was also raised in the consultation responses. However, the plans indicate that the window would serve a landing area and would be obscurely glazed which would prevent any actual overlooking from taking place. In the event that I had found that the appeal was otherwise acceptable, the use of obscure glazing could have been secured by planning condition. Therefore, the insertion of the window would not in itself warrant dismissal of the appeal.

Conclusion and Recommendation

16. The proposed development would conflict with the development plan as a whole and there are no other material considerations which would alter this finding. For these reasons, I therefore recommend that the appeal should be dismissed.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

A M Nilsson

INSPECTOR