



Appeal Decision

Site visit made on 7 January 2026

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 20th January 2026

Appeal Ref: APP/B0230/W/25/3375493

98 Morgan Close, Luton LU4 9GN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by M Z Khazi against Luton Borough Council.
 - The application Ref is 25/00940/FULHH.
 - The development proposed is the erection of a single storey rear extension and conversion of two garages to a habitable room and alterations to fenestration.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. This appeal was made on the basis of the Council's failure to determine the planning application within the statutory timescale. The Council has provided a statement explaining the reasons why it would have refused planning permission had it been able to do so.
3. From the evidence I have before me, the main issues are the effect of the proposal on:
 - the character and appearance of the host property and the area;
 - the living conditions of neighbouring residents with particular regard to outlook and privacy;
 - the living conditions of future residents with particular regard to external amenity space; and
 - biodiversity.

Reasons

Character and appearance

4. The surrounding area is urban with a residential character. The relatively dense modern housing estate predominantly comprises terraced and flatted development. Although there is variety in property types with assorted roof forms, the properties benefit from simple architectural detailing with clean intersections between different built elements. External spaces are modest but create distinct separation between buildings.

5. Whilst the proposed extension would be limited in terms of its footprint and would not compete for visual primacy with the host dwelling, it would substantially reduce the gap between the garage and the rear elevation of the dwelling. As such, the rear garden would appear cramped, dominated by built development.
6. The extension would add an offshoot to the existing gable roof of the garage block. The overall scale would be broadly comparable to bay windows or porches in the area. However, due to its position, attached to the corner of the garage, and its awkward intersection with the existing roof form, the extension would appear convoluted and at odds with the simple roof designs seen elsewhere in the estate.
7. The extension would not be widely visible from public viewpoints. Nevertheless, it would form a prominent and incongruous feature when viewed from surrounding properties.
8. The existing utilitarian garage doors would be replaced with two, narrower full height windows. This would domesticate the garage block and be at odds with the sparse functional character of the other detached garages which form part of the rear parking court.
9. Consequently, I conclude that the proposal would harm the character and appearance of the host property and the area. It would conflict with Policies LLP1, LLP19 and LLP25 of the Luton Local Plan 2011-2031 (November 2017) (LLP) where they collectively require development to be of high-quality design, preserving or improving the character of the area, considering roof style, spaces between buildings and existing patterns of development.
10. There would also be conflict with the National Planning Policy Framework (Framework) where it requires that development function well and add to the overall quality of the area, be visually attractive as a result of good architecture and be sympathetic to local character.

Living conditions – neighbouring residents

11. The appeal property and No 99 both have north facing gardens with the rear outlook from both properties comprising views of the side/rear of the detached garage block. Beyond the garage block is a communal parking court overlooked by numerous surrounding properties.
12. Although the elevation would be within the curtilage of No 98, the proposed extension would extend significantly along the boundary with No 99 and would protrude considerably above the fence line. Despite its limited area, it would be a dominant feature. Due to its position adjacent the boundary and its overall scale, the proposal would have an enclosing effect, ultimately harming the existing outlook afforded to the occupiers of No 99.
13. The windows to the front of the converted garage would allow for overlooking from the proposal into the rear parking court. Nevertheless, there is currently a high level of mutual overlooking possible between the surrounding properties and the parking court. Further, a parking court is not an area where privacy would be expected.
14. As such, whilst I am satisfied that the proposal would not unduly harm the privacy of neighbouring residents, I conclude that it would harm the living conditions of the residents of No 99 with particular regard to outlook. It would conflict with Policies

LLP1, LLP19 and LLP25 where they require that extensions do not adversely affect the amenity of nearby occupiers in respect of visual intrusion. It would also fail to accord with the Framework, where it requires development to maintain a high standard of amenity for existing users.

Living conditions – future residents

15. The Council states that the rear garden should not be less than 45 sqm, in accordance with the external amenity space standards set out in Appendix 6 of the LLP. Whilst this is a useful guide, the quoted value corresponds to the provision of enclosed rear gardens for new dwellinghouses and not existing housing stock. As existing, the rear garden of the appeal site already falls well below the cited 45 sqm minimum. It is modest in size with limited soft landscaping, including two trees.
16. The proposal would reduce the rear garden area by approximately 3 sqm and result in the loss of both trees. Nevertheless, it would not impact on the overall functionality of the space. There would be space for hard and soft landscaping and sufficient area for essential activities, including drying clothes and sitting out in warmer months.
17. Consequently, I conclude that the proposal would provide sufficient external amenity space and would not unduly harm biodiversity. It would accord with Policies LLP1, LLP19 and LLP25 of the LLP where they collectively seek to ensure that development provides adequate external amenity space. Similarly, it would accord with the Framework where it requires development to have a high standard of amenity for future users.

Biodiversity

18. The appellant contends that the two trees could be removed without planning permission. At the time of my site visit, their removal was taking place. The trees had been heavily pruned, noticeably reducing their overall size with large cuttings on the ground and a ladder against one of the trees.
19. I acknowledge the loss in biodiversity due to the trees removal and that it is unlikely that trees of this scale would be replaced on site. Nevertheless, I am satisfied that the complete removal of the trees would take place resulting in the loss of biodiversity, regardless of the outcome of this appeal.
20. Therefore, I conclude that the proposal would not unduly harm biodiversity. It would accord with Policy LLP28 of the LLP where it seeks to protect and enhance natural assets and biodiversity. It would also accord with the Framework where it requires development to minimise impacts on biodiversity.

Other Matters

21. The appellant contends that the proposal would not be development citing a variety of case law. Nevertheless, the proposal includes an extension and planning permission has been sought. I have determined the appeal based on the information submitted.
22. Short term employment would be provided during the construction. Even in the current economic climate, the social and economic benefits of the proposal would be modest and would not outweigh the harm identified above.

23. There would be no net loss of dwellings with no intensification of use of the site and with no discernible increase in noise and disturbance. High-quality internal living conditions would be provided for future residents and there would be sufficient parking and bin storage provision. However, this would be expected of any well-designed scheme and therefore are neutral matters which neither weigh in favour or against the proposal.

Conclusion

24. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR