



Appeal Decision

Site visit made on 14 January 2026

by **A Owen MA BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th January 2026

Appeal Ref: APP/B0230/D/25/3376466

3 Imberfield, Luton LU4 0EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Jose Sebastian against the decision of Luton Borough Council.
 - The application Ref is 25/00800/PARES.
 - The development proposed is single-storey rear extension with two skylights on a flat felt roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the 'GPDO'), planning permission is granted for the enlargement of a dwellinghouse subject to the limitations and conditions in paragraphs A.3 and A.4 to Part 1.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(7) requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises where objections from any adjoining premises are received. Following the required notification by the Council of adjoining owners and occupiers, an objection from No.5 was received.

Main issue

4. The main issue is the impact of the proposed development on the amenity of adjoining premises with regard to light and outlook.

Reasons

5. The extension would abut the common boundary with No.5. It is shown on the plans as being 3m high where it joins the main house, sloping down to about 2.6m high at its rear end. There is currently a close boarded fence, around 1.8m tall, along the common boundary. The extension would therefore be significantly higher than the fence for all of its depth, particularly that part closest to the existing house.
6. No.5 has a ground floor window on its rear elevation which, at its closest, is roughly only half a metre from the common boundary. The objection from the

occupier of this property stated the window serves their main living area and from my site visit I have no reason to consider otherwise.

7. The combination of the depth of the extension, the amount of it that would be taller than the boundary fence, and its proximity to the neighbour's living area window, leads me to consider that it would appear prominently and be likely to have a considerably harmful effect on the outlook from that window. The fact that the extension would be to the south of No.5 is likely to result in some loss of sunlight to that window too. Even if the property is currently vacant, as suggested by the appellant, it is still necessary to assess the likely impact on future occupiers of the dwelling, not just its current state.
8. There is an electricity pylon to the rear of the garden at No.5 as well as some tall mature trees along the rear boundary. Although these undoubtedly affect the view from the rear of No.5, they do not have a comparably direct and close impact on the outlook from the rear window at No.5 as the development.
9. There is a single storey rear extension at No.7 which has a similar form to that proposed, but it is not as deep or as high. I also noted that substantial works were underway at No.1, but that is a very different development and has little effect on my assessment of the proposal before me. I could see no other similar examples in proximity to the appeal site that would affect my considerations.
10. The appellant's growing family does not justify an extension of the size proposed nor one that would have the impact on the outlook from a neighbouring property that would result here.
11. The GPDO requires an assessment of the development on the amenity of all neighbouring properties. The other properties would be further away from the extension and I find there would be no harm to any other dwelling.
12. Overall, the development would adversely affect the amenity of the occupiers of No.5 in terms of their outlook and light. The proposal would therefore conflict with Luton Local Plan (2017) policies LLP25, which aims to ensure that development minimises overshadowing and loss of light, and LLP19 which specifically adds that extensions to dwellings should not affect the amenity of nearby occupiers in terms of visual intrusion. As the development would fail to accord with these policies it would consequently also fail to accord with policy LLP1 which requires development to accord with the other policies of the local plan.

Conclusion

13. The proposal would conflict with the development plan taken as a whole and there are no other considerations to indicate a decision other than in accordance with the development plan. The appeal is therefore dismissed.

Andrew Owen

INSPECTOR