



Appeal Decision

Site visit made on 21 March 2026

by **A U Ghafoor BSc (Hons) MA MRTPI FCMi fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 10 April 2026

Appeal Ref: APP/B0230/C/24/3339641

38 Ambleside, Luton, Bedfordshire LU3 2SF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the “Act”).
 - The appeal is made by Mr Md Saiful Hoque against an enforcement notice issued by Luton Borough Council.
 - The enforcement notice was issued on 24 January 2024.
 - The breach of planning control as alleged in the erection of a front porch extension on the land, in the approximate position shown hatched red on the plan attached to the notice.
 - The requirements of the enforcement notice are to: (1) remove the porch from the land and (2) remove all associated building materials and rubble and waste materials arising from compliance with (1) above from the land.
 - The period for compliance with the requirement is 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Act.
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Decision

1. It is directed that the enforcement notice be varied by the deletion of the text “6 months” in section 6 subparagraph (i) to (iii), time for compliance, and the substitution therefor by the following text “9 months”. Subject to this variation, the appeal is dismissed, and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Ground (a)

2. The main issue is the effect of the porch extension upon the character and appearance of the host dwelling and street scene.
3. No. 38 is similar in design to other semi-detached dwellings with a mansard style roof. The porch extension is single storey and is modest in scale, simple in design with an appropriate eaves level and roof shape. I understand the appellant has found the development process a challenge, has modified and adjusted the extension to make it blend in more with the host dwelling which, in turn, has been treated with custom-made masonry paint. That said, the extension projects noticeably forward of the principal elevation and visually disrupts the predominantly flat front of the host building. As a prominent feature on the front elevation, the porch’s overall bulk and mass detracts from the simple architectural style of the host dwelling.
4. The locality is residential in character. While some properties have been extended or altered, the area’s quality is reinforced by broadly matching pairs arranged in small groups with a common front build line. In contrast, the porch is positioned on one side of the front elevation to no. 38. It has an awkward imbalance within the pair given that the adjoining property has not been extended at the front. The materials used on the outer surfaces appear inconsistent with the host building, especially the application of red tiles on the hipped roof, which form a strong visual contrast with the darker grey tiles of the main roof to no. 38 and its immediate neighbour given

the form and shape. The overall design draws the eye and results in development that is out-of-keeping with the street scene.

5. The appellant says other properties have been granted planning permission for front extensions, but the images supplied suggest these examples are smaller in scale with a flat roof. The argument is the appeal structure could also be altered in terms of its roof design, but no specific details are before me and is a matter for the appeal parties to explore. In any event, no. 38 is in a street where the common build line forms a distinctive characteristic. In addition, there are permitted development rights for the erection of porches on the front elevation under article 3, schedule 2, part 1, Class D of the Town and Country (General Permitted Development) (England) Order 2015 as amended. These rights are, however, subject to conditions and limitations. In contrast, the porch extension at no. 38 is plainly unacceptable given its overall design and size.
6. Drawing all the above threads together, I find that the development has a visually jarring effect on the host dwelling and harms the simple architectural style of dwelling in street scene and other considerations advanced, on balance, do not outweigh this finding. The scheme fails to accord with the main aims and objectives of policies LLP1, LLP19 and LLP25 to the Council's Local Plan (2017) as a whole, which broadly reflect design considerations set out in the National Planning Policy Framework. My conclusions are the same as those reached by the s78 planning appeal Inspector¹.

Ground (g)

7. The challenge relates to the period of compliance, and the argument is that 4 months is too short. The appellant says they need additional time because the work required by the notice needs significant investment and arranging, but 12 months is far too excessive given the nature of the work required. That said, a longer period would allow sufficient time to arrange and organise the work without causing significant issues for the appellant. There is also possibility of addressing the planning difficulties as the appellant attempted to obtain permission for an alternative scheme. On the circumstances, an extended 9-month period would be reasonable. This is a proportionate response. It would strike a fair balance between the competing interests of the wider public interest and this case. I am content that there would be no violation of the rights under Article 8 of the Human Rights Act. I consider 4 months is too short and it is a reasonable period of compliance. Ground (g) succeeds to this extent only.

Overall conclusions

8. For all the above reasons and having considered all other matters raised, I conclude that the appeal against the enforcement notice should fail on ground (a) and planning permission is refused. As I have varied the period of compliance, ground (g) succeeds to that extent.

A U Ghafoor

INSPECTOR

¹ Appeal ref APP/B0230/D/23/3329711 dismissed 10 November 2023 for the retention of erection of front porch and alteration to fenestration.