

**APPLICATION NO:** 12/01223/FUL  
**PROPOSAL:** Erection of a single storey rear extension and first floor extension.  
**LOCATION:** 4 Biscot Road  
**APPLICANT:** Mr M Alyas  
**WARDS AFFECTED:** BISCOT

## **RECOMMENDATION**

### **REFUSE**

**1. For the reasons set out below:-**

(01) The proposed development would injuriously affect the amenities of the adjacent property Nos. 86-94 Cromwell Road by reason of loss of light, loss of outlook, overbearing and visual intrusion. The proposal would thereby be contrary to Policy(ies) LP1, ENV9 and EM4 of the Luton Local Plan.

(02) The proposed single storey rear extension is considered to represent an incongruous form of development, which is out of scale and character with composition and integrity of the existing property to the detriment of the appearance of the site and the visual amenities of the surrounding area. The proposal would thereby be contrary to Policies LP1 and ENV9 of the Luton Local Plan.

(03) The proposed development would injuriously affect the amenities of the adjoining property No.6 Biscot Road by reason of loss of light, overshadowing and visual intrusion. The proposal would thereby be contrary to Policy(ies) LP1 and ENV9 of the Luton Local Plan.

## **REPORT**

### **INTRODUCTION**

2. This application has been brought to Committee for determination at the request of Cllr Ashraf.
3. A single storey Class A2 solicitors office sited on the end of an existing terrace of three properties located at the southern end of Biscot Road, near the junction with Cromwell Road.
4. This application is for a first floor extension at the site which has already been refused and dismissed on appeal twice. The changes to this application relate to a reduction in the depth of the first floor element and the introduction of a single storey rear extension.

5. The applicant was given the opportunity to make some amendments to the scheme for the application to be seen more favourably. However, the applicant was not entirely happy with the amendments sought and requested that the application be referred to the DCC.

#### LUTON LOCAL PLAN ALLOCATION

6. Unallocated.

#### POLICY IMPLICATIONS

7. LP1, ENV9, T3 and T13.

#### PREVIOUS HISTORY

8. 05/01649/FUL - Erection of three bedroom end of terrace dwellinghouse. Refused 16.01.2006.  
06/00144/FUL - Erection of a single storey office building. Approved 12.04.2006.  
07/00005/UBO - Unauthorised building operation (single storey extension)  
07/00155/UBC - Single storey extension is not built in accordance with approved plans.  
10/01109/FUL - Erection of a single storey front and first floor extension with minor external alterations to building. Refused 06.01.2011  
10/01109/REFUSE - Appeal Dismissed 05.10.2011.  
11/01218/FUL - Erection of first floor extension with minor external alterations to building (Resubmission).  
11/01218/REFUSE - Appeal Dismissed 05.09.2012.

#### TECHNICAL CONSULTATIONS

9. Highway Authority – No highway implications are anticipated.
10. Environmental Protection – No comments to make.

#### NEIGHBOUR CONSULTATIONS

11. 12 neighbour notifications sent and 2 local Councillors notified, no representations have been received to date.

#### MATERIAL CONSIDERATIONS

12. The main material planning considerations relate how this proposal has sought to address the previous reasons for refusal and appeal decisions, the impact on the streetscene, adjoining occupiers, design and parking.
13. A similar form of development to that which forms the basis of this application has been the subject of two previous applications and appeals and on each

occasion the applications have been refused by members of the Committee and subsequently dismissed on appeal. This proposal has sought to overcome the most recent reason for refusal and subsequent appeal decision by reducing the rear element of the first floor extension by 2m.

14. In determining the previous applications one of the primary reasons for refusal related to the unacceptable effect on the living conditions of the neighbouring properties Nos. 86 – 94 Cromwell Road due to the limited separation distance between the rear of the houses and the flank wall of the application site once extended. It was considered that the extension would be overbearing and would unreasonably enclose the gardens and backs of these properties. This view was endorsed by the Planning Inspector who went on to say that the occupiers of Nos. 90 – 94 would experience the most acute effect on their amenity and living conditions because the bulk of the extension would be sited across the full width of those plots. Clearly this proposal in reducing the rear element of the extension has failed to address this issue.
15. Members should be aware that planning authorities now have the power to decline to determine applications which are substantially the same as that, within the previous two years have been dismissed on appeal. In this instance within the last two years the development as proposed remains substantially the same and has been dismissed on appeal twice. While it is acknowledged that technically the application should not have been accepted, this reinforces the view of officers that the development as proposed is unacceptable as it has failed to address the primary reasons for the previous refusals and the subsequent appeal decisions.

### STREET SCENE IMPACT

16. In street scene terms the main issue is the effect of the proposal on the visual amenities of Biscot Road. The road is characterised by predominantly residential use, comprising of terraced and semi-detached properties in a variety of design styles. The scheme proposes a first floor extension over the existing single storey building which will result in a two storey hipped roof office building. The only change from the previous refusal is the reduction in depth of this element, which has been reduced by approximately 2 metres from the rear. As mentioned in the previous report, the applicant was requested that the ridge height be reduced to provide a level of subordination and thereby appear less prominent within the street scene. No amendments made. Overall, by virtue of its design this element is not considered to be out of character and appearance with the area as to warrant a refusal.
17. The proposed single storey rear extension will be located directly to the rear of the application site and will not be visible from public viewpoints and will therefore have no street scene implications.

### IMPACT ON ADJOINING OCCUPIERS

18. The properties that will be most affected by the proposed development are numbers 86-94 Cromwell Road, located to the south-east of the site. There is a narrow passageway separating the site from these properties, which have their rear gardens backing onto the application site. These terrace properties occupy narrow plots with two-storey rear projections and have relatively small rear gardens. The proposal would result in the extension of a first floor element, extending approximately 11.2 metres in depth, just short of the full length of the existing ground floor unit. The height of the flank wall would be substantially increased along its length. The proposal would also lead to the whole of the rear garden of the site being enclosed by a brick built extension. The distance between the facing flank wall and the rear of the properties in Cromwell Road is between 7.5m and 8m from the two-storey rear projections. This is considerably less than the minimum 13.7 metres rear to flank requirement within the Luton Local Plan. Given the small rear gardens of numbers 86-94 Cromwell Road and the distance between the site and these properties, along with the expanse of the extension, the proposal would appear overbearing and visually intrusive and detract from the amenities of the properties in Cromwell Road, thereby contrary to Policies LP1 and ENV9 of the Luton Local Plan.
19. Number 6 Biscot Road is the adjoining property located to the north of the site. In April 2012 planning permission was granted to change the use of the single family dwelling to an office on the ground floor and a flat above. During the site visit carried out it was evident that works to this permission are being implemented. As a result of the relationship between this property and the site, No. 6 will be unaffected by the first floor extension.
20. There are two sources of light provided on the ground floor rear wall of No. 6 (it is unclear what these windows are to serve). The boundary treatment between the properties is marked by an approx. 1.4m high closed boarded fence. The proposed single storey rear extension will be built up to the shared boundary and extend the full length and width of the rear garden of the site enclosing this area. As a result of the limited space around the rear of the properties, and along with the orientation and projection of the properties (north-east/north-west), not only will the proposal result in a level of loss of light and overshadowing to the rear of No. 6, but would also appear visually intrusive due to its depth and height. The proposal is thereby contrary to policies LP1 and H4 of the Luton Local Plan.

## DESIGN

21. Policy ENV9 deals with the design principles and states that proposals for built development should enhance the character and appearance of the area and respect the scale and detailed design of the existing building and views of it. If the application was being recommended for an approval, a condition would have been placed on the permission ensure that all the materials to be utilised match the existing property, as the details of the materials have not been specified.

22. The proposed single storey rear extension is considered to represent an overlarge and incongruous form of development, which is out of scale and character with composition and integrity of the existing property to the detriment of the appearance of the site and the visual amenities of the surrounding area.

### **PARKING**

23. Policy T13 and appendix 4 of the Luton Local Plan states that for an A2 Use Class unit there should be 1 parking space provided per every 30 square metres of floor space. At present there is one off-street parking space provided at the front of the property. The proposal will lead to an additional approximately 52 square metres of floor space being created. In total this will increase the floor space of the site to about 104 square metres, which means at least 3 off-street parking spaces would need to be provided. However, the Council's Highway Authority has raised no objections to the proposal. Although there are parking restrictions along both sides of the road, the site is well served by public transport with a bus route along Biscot Road. The proposal is thereby not considered to be contrary to the aims and objectives of Policies T3 and T13 of the Luton Local Plan.

### **CONCLUSIONS**

24. The proposed development has failed to address the previous reasons for refusal relating to the relationship between the adjoining and adjacent properties in Cromwell Road as it is considered to have an unacceptable impact on the amenities of these properties by virtue of loss of light, overshadowing, overbearing and visually intrusion. The rear element also represents an incongruous form of development, which fails to improve or enhance the visual appearance of the site. The proposal is thereby is contrary to Policies LP1, ENV9 and EM4 of the Luton Local Plan and is therefore recommended for refusal.