APPLICATION NO: 11/00596/FUL
PROPOSAL: Retention of two storey rear extension, single storey side/rear, hip to gable roof alterations, detached outbuilding to the rear of garden, rear dormer window and erection of a front porch (Resubmission)
LOCATION: 63 Halfway Avenue
APPLICANT: Mrs Akhtar
WARDS AFFECTED: Challney

RECOMMENDATION

REFUSE

1. For the following reason:

   (01) The proposal represents a bulky addition that is out of scale and character with the original dwelling and would also injuriously affect the amenities of the adjoining property No. 61 Halfway Avenue by reason of loss of light and visual intrusion. The proposal would thereby be contrary to Policies LP1, ENV9 and H4 of the Luton Local Plan.

REPORT

INTRODUCTION

2. A semi-detached dwelling house located in a residential area characterised by a mix of semi-detached and detached dwellings that vary in terms of their design.

3. The proposal seeks the retention of a 3.6m deep two storey rear extension, rear dormer window, hip gable roof alteration and a single storey side extension. Planning permission for the erection of a front porch and an outbuilding is also being sought.

4. A planning application has been submitted for the attached property, No. 61 Halfway Avenue and the two applications in terms of the rear two storey extension should be considered in conjunction with one another.

LUTON LOCAL PLAN ALLOCATION

5. Unallocated.

POLICY IMPLICATIONS

6. LP1, H4, ENV9, T3 and T13.

PREVIOUS HISTORY
7. Planning permission was refused in April 2011 for the retention of the extensions at the property. The application site is also subject to an ongoing enforcement investigation.

TECHNICAL CONSULTATIONS

8. Highway Authority – No highway implications anticipated.

NEIGHBOUR CONSULTATIONS

9. Seven neighbours were notified in writing, no representations have been received to date.

MATERIAL PLANNING CONSIDERATIONS

10. The main planning considerations are whether the extensions and outbuilding as built have an adverse impact on adjoining neighbours, the street scene, parking arrangements and are acceptable in terms of their overall design.

STREET SCENE IMPACT

11. Halfway Avenue is characterised by semi-detached and detached dwellings that vary in terms of their overall design. The property is ‘L’ shaped and has a two storey front projection with a hipped roof.

12. A hip to gable roof alteration has been undertaken and the submitted details indicate this was completed under the guise of permitted development. However, there is insufficient evidence to indicate when this was completed and therefore it is necessary for this to be considered as part of the application. The alteration to the roof form does unbalance the appearance of the pair of identical semi-detached dwellings but it is not considered to have a significant detrimental impact on the street scene due to the prominence of the projecting two storey element it does not appear overly dominant. Whilst not ideal it is considered that this element is acceptable in terms of its street scene impact.

13. A front porch is also shown on the submitted plans and this is the only element that has not been constructed. There is a discrepancy between the floor plan and elevation plans with the footprint of the porch shown differently. The submitted details state that the porch falls within the parameters of permitted development as it has a proposed floor area of less than 6 square metres. However, the General Permitted Development Order specifies that to qualify as permitted development the floor area of a porch must not exceed 3 square metres. Consequently, the porch requires planning permission and has been assessed as part of the application. Whilst the porch is of a substantial size it will not project forward of the projecting front elevation and in that
respect is not considered to have a detrimental impact on the visual amenities of the street scene or detract from the appearance of the original dwelling.

14. An attached flat roof garage was provided adjacent to the boundary with No. 65 and this has now been provided with a pitched roof. Ideally a hipped roof would have been the preferred option as it would have reflected the design of the dwelling however this element of the proposal does not have a significant detrimental impact on the street scene and as such is considered acceptable.

15. The two storey rear extension, rear dormer window and outbuilding are not visible from the street.

IMPACT ON ADJOINING OCCUPIERS

16. The properties either side of the application site are the only dwellings that will be materially affected by the proposal. Policy LP1 and H4 require that residential extensions do not significantly reduce the amenity of nearby occupiers by virtue of loss of light, visual intrusion and overlooking.

17. No. 61 Halfway Avenue is the attached property located to the north of the application site. Levels fall in a northern direction but despite this there is no difference in levels between the two properties. A planning application for a two storey rear extension has now also been submitted for No. 61 and should be considered in conjunction with this application.

18. A 1.8m wide clear glazed French door, which is set in from the boundary by 1m, is provided on the rear elevation of No. 61 and forms the only light source to a dining room. A kitchen window is provided further from this. At first floor level a 1.8m wide (approx.) bedroom window is provided, which is set in approximately 0.6m from the flank wall of the extension. Due to the depth of the rear extension at 3.6m loss of light and visual intrusion are an issue. Loss of light is exacerbated by the orientation of the properties, resulting in loss of sunlight during the late morning and early afternoon. The bulky nature of the proposal results in the extension appearing visually intrusive. The exposed block work and overall poor quality finish on the facing flank elevation worsen the visually intrusive nature of the extension.

19. Approving the application for No. 61 would not mitigate the issues of loss of light and visual intrusion discussed above, however, as this application was submitted as a result of the applicant’s unwillingness to amend the form of the extension as partially built, however there is no way of ensuring that the extension will be constructed. The submitted plans demonstrate that the extension at No. 61 could be attached to the existing extension at No. 63 but there is no typical shared party wall or roof form that would usually be required in situations where two neighbours are seeking to extend their properties in a similar manner to
this. While it is acknowledged that a letter has been submitted by the owner of No. 61 stating that they intend to commence work once planning permission is granted, however there is no way that this can be secured through either a condition or legal agreement.

20. Given the level of uncertainty as to whether the extension at No. 61 will be constructed it would be unreasonable to approve the retention of the unauthorised extension at No. 63. The detrimental impact in terms of loss of light and visual intrusion would be unacceptable and therefore conflict with the requirements of Policy H4 of the Local Plan, which seeks to ensure the amenity of nearby occupiers is not adversely affected in terms of loss of light, visual intrusion or overlooking.

21. Consideration could be given to reducing the time period for implementing the extension at No. 61 from the usual 3 years to 1 year however, this would place an unreasonable burden on the owner of No. 61 and again this would not overcome the issues should planning permission be granted for both extensions and the development at No. 61 is not commenced. This was an issue that was discussed in the appeal decision for two sites on Highbury Road, where an extension has been constructed at a residential dwelling and an application was submitted for an extension on the attached dwelling to minimise the negative impact. The Inspector concluded that the implementation of any permission at the neighbouring property with a similar extension as that already constructed would be uncertain because of the different ownerships and inability to control this by way of either condition or agreement, subsequently the appeal was dismissed. Whilst there are differences between the appeal sites and the applications being considered at Committee there are parallels and weight need to be given to the Inspectors comments.

22. No. 65 Halfway Avenue is a detached property that is located to the south of the application site and sits higher due to level differences in the area. A planning application has been submitted for extensions to No.65 and this is also being considered at Development Control Committee. The single storey side extension is not considered to cause any adverse impact as the nearest window on the rear elevation of No. 65 serves the garage. A single storey rear extension is provided at No. 65 but due to the separation distance between that and the side extension no adverse impacts result. In terms of the two storey rear extension this is set in from the boundary by approximately 2.5m and therefore does not cause any adverse impact. Neither will the extension result in any detrimental impact should the extension at No. 65 be granted approval.

23. An increased sense of overlooking may result from the rear dormer window but the level of overlooking is not likely to be significantly different to that experienced from the first floor windows and therefore neighbouring properties are not considered adversely affected.
24. In terms of the outbuilding this is sited approximately 22m from the rear elevation of No. 61 and 65. As the outbuilding is intended to be used for storage and as a playroom no issues of overlooking are raised. However, it was noted during a recent site visit that a large canopy has now been provided on the outbuilding, the applicant has been advised to remove this as to further extend this building would not be supported.

DESIGN

25. The existing dwelling has been heavily extended and the level of development undertaken is out of scale and character with the appearance of the original dwelling. The main issue is the overdevelopment of the property to the rear. The two storey rear extension that spans the full width of the original dwelling is excessive in size and appears as a bulky addition. While it is acknowledged that there are many instances of two storey extensions on the rear elevations of dwellings throughout the borough, to minimise their impact visually the first floor element is normally restricted to 2.5m/3m in depth and where the property is a semi-detached there is a set in from the shred boundary of a minimum of 2m. This proposal fails to meet any of this criteria. Overall the cumulative impact of the extensions are contrary to the objectives of Policies ENV9 and H4, which seek extensions that are respectful of the scale and form of the original and neighbouring properties.

PARKING

26. A hardstanding area for 2/3 vehicles is provided to the front of the dwelling and this along with the integral garage is sufficient to meet the requirements of the Local Plan for a four bed dwelling. No issues have been raised by the Highway Development Manager and therefore the parking provision is acceptable.

CONCLUSIONS

27. The proposal by virtue of its size and bulky nature is considered to detract from the appearance of the original dwelling. It also has a detrimental impact on the amenities of No. 61 Halfway Avenue in terms of loss of light and visual intrusion. Whilst a similar extension is sought at No. 61 to mitigate the impact of this proposal there is no guarantee that this would be constructed and therefore the issues raised would remain. The application conflicts with the requirements of Policies LP1, ENV9 and H4 of the Luton Local Plan and is therefore recommended for refusal.