

BOROUGH OF LUTON

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995**

REFUSAL OF PRIOR NOTIFICATION

Name and Address of Agent (if any):

Mr Shamshad Ali
Plan & Build Ltd
23 Brackendale Grove
Luton
LU3 2LT

Name and Address of Applicant:

Mr Komor Miah
66 Alexandra Avenue
Luton
Luton
LU3 1HH

Date of Application: 28th February 2024

Application No: 24/00257/PARES

PARTICULARS AND LOCATION OF DEVELOPMENT:

Request for a determination as to whether prior approval is required under Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2015 - Single storey rear extension. Depth 6.0m, Maximum height of extension 4.0m, Height to eaves 3.0m.

66 Alexandra Avenue,
Luton,
LU3 1HH

The prior approval of the local planning authority **is required** for the works specified above and accompanying information and the development described above is **HEREBY REFUSED** subject to the following reasons(s):-

For the following Reason(s):-

- 1 The proposal as shown on the plans, by reason of projecting beyond an original flank wall and being greater than half of the width of the original dwelling, fails to meet the criteria set out within Class A of Part 1 of Schedule 2 of the General Permitted Development Order 2015 (as amended).

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See Notes for Applicants Attached.

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ADVISORY:

If this is your first submission for this form of development, before making your re-submission, we recommend that you seek formal pre-application advice to assist in addressing the concerns raised in the assessment of this application. Please note that any such advice may not guarantee an approval. Details of this service can be found on the planning pages of the website www.luton.gov.uk/planning.

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The plans/documents which are the subject of this decision can be viewed on the on-line planning system at www.eplan.luton.gov.uk by entering 24/00257/PARES into the application search. Please note that the numbers given here are used so that the Document number and number on the decision notice are compatible. They are not the plan numbers on the drawings themselves used by the Applicant/Agent. The documents are viewable on the "Documents" tab and comprise the following Luton Borough Council numbers:-

NOTES

- 1.1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990 within 6 months of the date of this notice or for certain applications from 01.10.13, within the following timescales:-
- a) within 28 days of the date of this notice for a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [see reference above]
 - b) within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier if an enforcement notice is served relating to the same or substantially the same land and development as in your application
 - c) within 12 weeks of the date of this notice for a decision to refuse planning permission for a householder application or for a minor commercial application
 - d) within 8 weeks of the date of receipt of this notice for a decision to refuse express consent for the display of an advertisement

If you want to appeal against your local planning authority's decision then you must do so.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they



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imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

1.2 If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted he/she may serve on the Common Council, or on the Council of the District in which the land is situated as the case may be, a purchase notice requiring that Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

1.3 In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him/her. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

2. Where this notice conveys the grant of planning permission, approval of reserved matters or discharge of condition(s):-

If the development involves the carrying out of works:-

- (i) for the demolition of a building listed under Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as a building of special architectural or historic interest, or for its extension or alteration, or
- (ii) for the demolition of a building which is within a Conservation Area designated under Section 69 of the Act,

The work may not be carried out without Listed Building Consent under Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or Conservation Area Consent under Part 11 of the Act. A separate application must be made for this purpose.

Exceptions:

- (i) an excepted building within the meaning of Section 60 of the Act, or
- (ii) a building exempt by direction of the Secretary of State.

Any person who fails to comply with the above provisions is committing an offence and may be prosecuted.

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3. **This permission or approval does not exempt you from complying with Building Regulations and General Statutory Provisions in force in the District and in particular does not override any public right of way which may exist.**
4. The LPA takes a positive and proactive approach to development proposals with the aim of delivering quality outcomes to the benefit of the applicant, the Council and the community at large by providing access to development plan policies, offering a pre-application advice service and where practicable and appropriate through engagement with applicants/agents during the application process in accordance with the requirements of paras.186 and 187 of the National Planning Policy Framework and the Town and Country Planning (Development Management Procedure) (England) Order 2010 Article 31 (as amended) and having regard to the policies of the development plan and other material considerations. However, in this instance the application has been refused as issues of concern could not be appropriately resolved for the reasons set out above and in the Case Officer's report.

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