

Appeal Decision

Site visit made on 28 November 2016

by S D Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1st December 2016

Appeal Ref: APP/K0235/D/16/3159217

23 Aspen Avenue, Bedford MK41 8BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Victoria Hlomuka against the decision of Bedford Borough Council.
 - The application Ref 16/01686/FUL, dated 7 June 2016, was refused by notice dated 9 August 2016.
 - The development proposed is one and two storey side and rear extensions.
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Decision

1. The appeal is allowed and planning permission is granted for one and two storey side and rear extensions at 23 Aspen Avenue, Bedford MK41 8BY in accordance with the terms of the application Ref 16/01686/FUL, dated 7 June 2016, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 0105 SK01 Rev A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The extension hereby permitted shall not be occupied until the window at first floor in the side elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Main Issue

2. The main issue is the effect of the proposed two storey extension on the character and appearance of the area.

Reasons

3. The appeal property is a two-storey semi-detached house in a predominantly residential area. The dwellings along Aspen Avenue are of mixed styles and designs including bungalows. However, Nos 11-37 (odds) are a row of semi-detached two storey houses of similar design with pitched roofs approximately parallel to the road. Whilst some of the properties are set back by about the
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same distance from the back edge of the footpath, Nos 23 and 25 have shorter front gardens and stand about 3m forward of the pair of semi-detached houses at Nos 21 and 19.

4. Design Code E3 of the adopted Supplementary Planning Guidance: *Residential Extensions, New Dwellings and Small Infill Developments* (the SPG) states that in tightly developed areas with minimal gaps between the sides of houses two storey extensions should be at least 1.5m away from the side boundary to ensure that the setting of the street scene would not be eroded. The proposed two storey extension would be set in from the boundary with No 21 by about 1m which falls short of the separation distance sought by Design Code E3.
5. However, the two storey extension would be set back from the front of the host property by about 3.5m. It would have a pitched roof that would slope away from the shared boundary with No 21 and the ridge line would be considerably lower than the ridgeline of the host property. For these reasons, even though its front wall would be roughly in line with the front of Nos 21 and 19, the proposed extension would not form a major element of the street scene and, even when viewed directly, would appear subservient to the host property and retain the impression of a specific break between individual buildings. Even if replicated on the adjoining property a gap of some 2m would still exist between buildings with a specific break to the first floor building line and ridge line. Accordingly a terracing effect would be avoided and the feeling of spaciousness retained.
6. On balance I conclude that, despite the small shortfall in respect of the preferred separation distance from the boundary, the proposed two storey extension would not have an unacceptable impact on the character and appearance of the area or the pair of semi-detached houses at Nos 23 and 25. Accordingly the aims of Policy CP21 of the adopted Core Strategy and Rural Issues Plan 2008 and saved Policy BE30 of the Bedford Borough Local Plan 2002 would be met. These intend, amongst other matters, to ensure a high standard of design that reinforces local distinctiveness and has an appropriate interaction with public space. Although of some age the above policies reflect those principles of the National Planning Policy Framework that seek to ensure developments respect the local character of the area.

Other Matters

7. The house at No 21 has a door with a window in the side elevation facing towards the boundary with the appeal site and the neighbour is concerned about the potential loss of sun and light. The Council considers there would be some degree of effect on the light received through the window of this door but considers that this would not be of such severity as to justify refusal of the proposal as this window provides a secondary source of light to the kitchen. Whilst I acknowledge the desire of the neighbour to preserve the existing sunlight and light currently experienced from what I observed during my site visit to the area I see no reason to disagree with the Council. Nor would my conclusion be any different if the opening was a window rather than a window in a door.
8. The Council considers the proposed development accords with Design Codes E1, E2, E4 and E5 of the SPG in respect of design, appearance, plot coverage and parking provision. Subject to a condition ensuring that the window at first floor in the side elevation would be obscure glazed and non-opening below

1.7m the Council considers that the privacy requirements of Design Code E5 of the SPG would be met. From the available evidence I see no reason to disagree.

Conclusion

9. For the reasons set out above, and taking into account all other relevant matters raised, I conclude the appeal should be allowed.
10. As well as the standard condition specifying the time limits for commencement of development compliance with the approved plans is necessary to provide certainty. In the interests of the appearance of the area it is necessary that the external construction materials match those of the host property. The window in the side wall of the proposed extension should be obscured glazed and non-opening below 1.7m to prevent unacceptable overlooking of No 21.

SDHarley

INSPECTOR