

Appeal Decision

Site visit made on 20 March 2017

by Clive Tokley MRTPI

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

Decision date: 11 April 2017

Appeal Ref: APP/P0240/D/17/3167749

42 Sundon Road, Harlington, Dunstable, LU5 6LS.

- 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 Mr and Mrs Inwards against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/04116 dated 1 September 2016 was refused by notice dated 1 November 2016.
 - The development proposed is a one bedroom annex.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. No 42 and No 44 are a pair of semi-detached houses on the south-west side of Sundon Road. The houses date from the 1920s and six similar pairs lie to the south east. The original gardens of numbers 50 to 68 have been reduced in length to enable the development of part of Valiant Close; however Nos 42 to 48 retain rear gardens of about 70m depth. The long north-west side boundary of the appeal property coincides with the rear boundary of the modern two-storey houses in Strafford Close and similar dwellings in Park Leys back onto the rear boundary.
 4. The garden of No 42 forms part of the space at the rear of the Sundon Road houses which contributes to the distinctive character of the area. I saw that nearby gardens support a number of outbuildings the largest of these being a brick structure at No 44, which is close to the rear of that house, and a range of timber sheds about halfway down the garden of No 48. In addition to these buildings I saw smaller sheds and greenhouses towards the ends of the gardens.
 5. It is proposed that the annexe would be occupied for purposes associated with the main house. Nevertheless I consider that taking account of its design, size and location the proposal would have the character of a separate small
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bungalow and would not appear as an ancillary building to the host dwelling. Further the daily comings and goings between the building and the dwelling and access, and signs of occupation immediately around the building associated with a two-person annexe such as lights and increased use of the end of the garden would materially change the character of the rear garden.

6. The scale and design of the building would not reflect the open character of the gardens and by occupying almost the full width of the plot I consider that it would appear cramped on its site. The proposal would have no effect on the street scene of nearby roads; however it would be seen from the open gardens and rear of neighbouring houses, especially those in Sundon Road and from the rear of the elevated houses in Strafford Close. I consider that whilst there would not be a wide public view the proposed building and the activity associated with it as a two-person annexe would appear out of place in the rear gardens and would harm the distinctive character at the rear of the Sundon Road houses.
7. The appellants draw attention to case law concerning the definition of annexe buildings; however the main issue in this appeal is not the principle of the use of the building. I have noted the practicalities behind the location of the proposal towards the end of the garden but this location remote from the frontage buildings is a contributory factor towards the incongruous nature of the proposal.
8. The appellants indicate that a larger building could be built as “permitted development”. However a decision as to whether to construct a permitted development building would be a matter for them. The determination of the lawfulness of any potential fall-back building is beyond the scope of this appeal and I therefore give that possibility limited weight. The appellants also indicate that the proposal would enable the full occupancy potential of the house to be realised and that the proposal would allow them to be cared for by their family without placing a burden on the care services. Whilst I understand their motivation for the development such considerations need to be balanced against other material planning interests. I consider that in this instance greater weight must be placed on the harm to the character and appearance of the area than the benefits that the proposal would provide to the appellants.
9. I consider that the proposal would conflict with Policy DM3 of the Council’s *Core Strategy and Development Management Policies* of November 2009 which indicates that new development should be appropriate in scale and design to its setting and should respect local distinctiveness.

Conclusion

10. Taking account of all matters I have concluded that the proposal would unacceptably detract from the character and appearance of the area and that the appeal should not succeed.

Clive Tokley

INSPECTOR