
Appeal Decision

Site visit made on 9 October 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 25th October 2017

Appeal Ref: APP/P0240/W/17/3179036

33 Birch Close, Broom, Biggleswade SG18 9NR

- 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 & Mrs Frederick against the decision of Central Bedfordshire Council.
 - The application Ref CB/17/00769/FULL, dated 14 February 2017, was refused by notice dated 1 June 2017.
 - The development proposed is a two storey annexe accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - The character and appearance of the area; and
 - The living conditions of adjoining occupiers with particular regard to No. 28 Birch Close and outlook.

Reasons

Character and Appearance

3. The site forms a detached dwelling located within a small estate of similar properties. The site occupies a corner position within the estate with open countryside to the rear. The front elevation of the dwelling faces onto the side elevation of No. 28. An area of hardstanding and a pair of single storey garages, attached to No. 28, are sited between 33 and 28. It is proposed to demolish the garages and erect a two storey annexe.
4. The area is primarily residential in character which has a pleasing sense of rhythm and a degree of uniformity, created by the similar appearance and layout of the buildings. There are a number of garages arranged in pairs throughout the estate which separate dwellings from their neighbours and gives the estate a sense of spaciousness.
5. Although described as an annexe, the building would be a self-contained detached, two storey structure, with a kitchen/living room, bedroom and an en-suite and store on the ground floor and a living room, bedroom, bathroom and further store on the first floor. Two parking spaces would be provided to the front of the annexe.

6. I accept that the building has been designed with dormer windows that cut through the eaves so that its overall height is lower than the adjacent dwellings and would be constructed using complementary materials. Notwithstanding that the site is located towards the head of a cul-de-sac, the site is clearly visible from properties that surround it. Moreover, for all intents and purposes the building would be perceived in the street scene as a separate new dwelling, albeit of a smaller scale and different character to those existing nearby. The scale and location of the annexe would appear contrived in the street scene with its side elevation sited within 1 metre of the front elevation of 33 and within 1 metre of its rear boundary fence and very close to the side boundary of 28, leaving very little space about the building.
7. While the building would have no defined curtilage it would nonetheless appear as an individual and separate small dwelling. In the context of its surroundings it would materially detract from the appearance and character of the area and would fail to respond to the positive spacious qualities of the estate. These factors lead me to conclude that it would represent a cramped development that would be out of keeping with, and materially harmful to, the character and appearance of the area.
8. On the first main issue, I therefore conclude that the development would have an unacceptable impact on the character and appearance of the area. The proposal is in conflict with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) which seeks to ensure, amongst other things, that development proposals are appropriate in design and scale to its setting.

Living Conditions

9. The Council's concern relates specifically to the south west elevation of the proposed annexe and its relationship to the shared boundary with No. 28, which would cause a sense of enclosure that would be overbearing. Whilst, the annexe would be sited close to its shared boundary, No.28 has a single storey extension that extends almost to its rear boundary. The main garden area for No. 28 is sited to the other side of their extension which would effectively shield their private garden area from the proposed annexe. Given the separation distance, and the presence of the single storey extension, I do not consider that the proposal would have an unacceptably overbearing impact on the living conditions currently enjoyed by the occupiers of No. 28.
10. On the second main issue, I therefore conclude that the proposed annexe would not materially harm the living conditions of the adjacent occupiers. The development would be in compliance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies (2009) which seeks to ensure, amongst other things, that development proposals respect the amenity of surrounding properties.

Other Matters

11. The appellant has drawn my attention to other properties within Birch Close which are considered to be examples of where the Council has allowed other two storey extensions to dwellings, thereby creating more cramped forms of development. I have very little information before me detailing the circumstances that led to these proposals being accepted. The appellant has focused upon the extension at No. 16 which allowed a two storey annexe

extension. This is considered to demonstrate an inconsistency in the Council's decision making. While I accept that planning authorities should determine like applications in a like manner, the development at No. 16 clearly reads as an extension to the property and not a standalone development as proposed. Moreover, the examples provided are not so similar as to be a direct comparison to the development before me and do not set an irresistible precedent to allow a development that would cause harm or lead me to alter my findings on the issues above. In any case, I have had regard in my findings to matters that are specific to the site and the particular development proposed.

12. I note the appellants' desire to reside at the annexe, with additional space for their son who visits from time to time, so that they may be cared for by their daughter who will take up residence in the main dwelling. However, whilst acknowledging the benefits that would result in this respect, these are not sufficient to outweigh the harm that I have identified.

Conclusion

13. Whilst I have found no harm to the living conditions of adjoining occupiers of the site, I have identified harm to the character and appearance of the area. That is the prevailing consideration and so, having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR