



Appeal Decision

Site visit made on 28 March 2019

By A. J. Boughton MA (IPSD) Dip. Arch. Dip. (Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 11 July 2019

Appeal Ref: APP/K0235/D/19/3222376
55 Woodland Drive Bromham MK43 8LA

- 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 T Roff against the decision of Bedford Borough Council.
 - The application Ref 18/02550/FUL, dated 5 October 2018, was refused by notice dated 20 November 2018.
 - The development proposed is '1.5 storey side extension to dwelling (revised design)'.
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Decision

1. The appeal is allowed and planning permission is granted for a 1.5 storey side extension to dwelling (revised design) at 55 Woodland Drive Bromham MK43 8LA in accordance with the terms of the application, Ref 18/02550/FUL, dated 5 October 2018, and the plans submitted with it, 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 plans: 071739-55/ROF.EP1-01 and 071739-55/ROF.EP1-02.
 - 3) The external surfaces of the development hereby permitted shall be constructed using materials shown on plan no. 071739-55/ROF.EP1-02.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement or external alteration of the dwelling other than that hereby permitted shall take place.

Preliminary Matter

2. The appeal site has the benefit of a planning approval for a rear extension¹; permission has not been implemented but in the event that this appeal is allowed both proposals could be built out and it was on that basis that the Council refused to grant planning permission. The appellant has submitted a Unilateral Undertaking (UU) dated 3 June 2019 (received 4 July 2019) with respect to that position which I refer to in this decision. I note the Council refer

¹ 18/0227/FUL which would extend the same dwelling but to the rear.

to the extension as 2-storey but the convention of describing buildings which have an upper floor level entirely within the roof space as '1.5 storey' is established. It is also useful in avoiding confusion with development where walls extend to the heads of windows.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area and whether or not the development would have adequate outdoor amenity space.

Reasons

Character and Appearance

4. The appeal site is located within an area that has an open suburban character with housing dating largely from the late twentieth century and is a detached one-bedroom dwelling. Located on a small plot formerly part of the large garden of a dwelling fronting Molivers Lane its small size and positioning within a constrained site is anomalous to the surrounding development due to its original use as a garage. The widening of the host dwelling by the side extension proposed would lend a more substantial and dwelling-like character.
5. The 'fallback' position would, however, potentially permit the construction of both the appealed proposal and the previously approved rear extension which would be apparent in the street due to the curve in Woodland Drive and the adjacent open area. Consequently, the combination of these developments would appear to fill the site and, to my mind, present a cramped and overdeveloped appearance in the street scene. This would conflict with Policies BE29, BE30 and BE37 of the Bedford Borough Local Plan (2002) (BBLP) or Policy CP21 (spatial strategy) of the Bedford Borough Core Strategy and Rural Issues Plan (2008) (CSRIP) which, taken together, seek to ensure development is appropriately located and design is of the highest standard relating appropriately with existing development.

Outdoor Amenity Space

6. The Bedford Borough 'Residential Extensions, New Dwellings and Small Infill Developments Supplementary Design Guidance '(adopted 26 January 2000) (RENSID) guides the design of extensions in a number of respects. The appealed proposal alone would leave amenity space to an extent similar to that already provided by the approved scheme but located at the rear of the property rather than the side. However, if combined with the extension previously approved, the appealed proposal would result in a very high site coverage of around 70%. This is significantly above the plot coverage guidelines referred to by the Council leading to a cramped arrangement almost filling this small site. The amount of amenity space remaining for the use of the resulting 3-bedroom dwelling would be inadequate due to the amount of built form.
7. The proposal would therefore conflict with Policies BE29 and BE37(ii) which seek to protect the standards of amenity enjoyed by users.

Unilateral Undertaking

8. The appellant provided a signed, but undated, planning obligation with the appeal in the form of a unilateral undertaking (UU), binding the parties with an interest in the appeal site (the Owners) to revoke the extant permission to extend the host dwelling at the rear in the event that planning permission is granted by this appeal. As my reasoning indicates, the development proposed would not be acceptable if the result was that both the permitted and appealed extensions were to be constructed. Therefore the UU serves a necessary planning purpose in allowing development to proceed which would otherwise be unacceptable and is directly related to the development.
9. Having allowed opportunity for the Council to comment I am satisfied that the completed obligation now provided meets the requirements of Section 106(9) of the Town and Country Planning Act 1990 and therefore that I may take it into consideration in determining this appeal.
10. Therefore, the result of the appealed proposal would be a 2 bedroom dwelling with a suitably-sized outdoor amenity space, but at the rear of the property rather than the side. To my mind that would align with the objectives of the RENSID as to the amount and positioning of amenity space and accord with the guidance in Policies E1 and E3 of RENSID which seek to guide the design and layout of extensions towards good design and amenity standards. I further conclude that the proposal would not conflict with Policies BE29, BE30 and BE37 of the Bedford Borough Local Plan (2002) (BBLP) or Policy CP21 (spatial strategy) of the Bedford Borough Core Strategy and Rural Issues Plan (2008) (CSRIP) which, taken together, seek to ensure development is appropriately located and design is of the highest standard relating appropriately with existing development.

Conclusion

11. Accordingly I am able to conclude by the provisions of the UU that the proposed development would not conflict with the development plan taken as a whole and therefore, having regard to all matters raised, the appeal should succeed.

Conditions

12. Although the UU revokes the previously approved extension, the effectiveness of that undertaking could be undermined by other development permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). I have therefore applied a condition to prevent that taking place. In addition, conditions are necessary to protect visual amenity by the use of matching materials and by reference to the plans approved that the development proceeds on the basis permitted.

Andrew Boughton
INSPECTOR