
Appeal Decision

Site visit made on 30 July 2019

by J E Jolly BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities

Decision date: 3rd October 2019

Appeal Ref: APP/K0235/D/19/3229187
12 Main Road, Biddenham, MK40 4BB

- 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 Wereszczynski against the decision of Bedford Borough Council.
 - The application Ref 18/02677/FUL, dated 19 October 2018, was refused by notice dated 1 May 2019.
 - The development proposed is alterations and extensions to existing dwelling
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Decision

1. The appeal is allowed. Planning permission is granted for alterations and extensions to the existing dwelling at 12 Main Road, Biddenham MK40 4BB in accordance with the terms of the application, Ref 18/02677/FUL, dated 1 May 2019, subject to the conditions set out in Annex A.

Procedural Matter

2. The appellant submitted a copy of a decision notice for a recently refused permission for the same appeal site (Ref 19/01079/FUL). I do not have the full details of that scheme before me. In any case, I have considered the proposal before me on the basis of its own planning merits.

Main Issue

3. The effect of the proposed development on the living conditions of the occupants of 1 The Paddock with particular regard to overbearing, overlooking and privacy.

Reasons

4. The appeal site lies adjacent to, and to the front briefly within, the Biddenham Conservation Area. Neighbouring properties vary in age and design including some substantial modern brick and tile dwellings. The built environment is softened by large, mature front gardens.
5. 12 Main Road sits on a generous plot set behind a low stone wall and mature trees. There is a deep, garden setback consistent with other dwellings in the area.
6. Behind the appeal site there is a small residential development, The Paddock, which consists of 9 houses and 2 bungalows. No 1 The Paddock, an extended modern bungalow, shares its rear boundary with No 12 Main Road.

7. The back garden at No 1 slopes gently away to the rear boundary where both No 12 and No 1 have planted trees, hedges and erected fences that provide privacy and separation between the properties.
8. The proposed development would remodel the existing chalet bungalow at No 12 to a one and two storey dwelling. The proposal includes an internal swimming pool as part of a one-storey garden extension.
9. The two-storey section of the proposal would be larger than the existing dwelling. However, I noted on my site visit that the development would be of similar mass and scale to other dwellings in the neighbourhood. Also, that its primary windows would be approximately 18 metres away from the rear of No 1. The separation distance and the generous boundary treatments would avoid overlooking and ensure privacy for the neighbouring properties.
10. The windowless rear elevation of the proposed one-storey swimming pool extension would be approximately 1m away from the rear boundary of No 1. However, the proposed extension steps down from the main building to avoid a sense of overbearing and would be adequately screened behind the boundary treatments described above.
11. Therefore, I am satisfied that the proposal meets the requirements set out in Design Code E5 of the Bedford Borough Council Residential Extensions, New Dwellings and Small Infill Developments (RENDSID) guidance which requires that the normal minimum privacy distance expected for new developments, related to primary windows, is 18 metres.
12. Further that the proposal conforms to Policy E7 of RENDSID and Policies BE30 and BE37 of the Bedford Borough Council Local Plan 2002 which say, amongst other things, that development should consider the visual impact of the development and its relationship with the context within which it is placed, not have an overbearing effect on another property, and respect the standard of privacy enjoyed by adjoining occupiers.

Other Matters

13. Whilst I acknowledge concerns raised by the interested parties, including Biddenham Parish Council, on matter such as living conditions, I have assessed these and found that in this case they do not justify dismissal of the appeal.

Conditions

14. I have considered the suggested conditions against Paragraph 55 of the National Planning Policy Framework and the national Planning Practice Guidance and imposed the following conditions; a standard time limit condition, a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. In order to protect the appearance of the area, I have also imposed a condition requiring the external materials used in the construction to match those of the existing building, and finally a condition to ensure the protection of existing trees during the construction period.

Conclusion

15. For the reasons given above the appeal should succeed and planning permission be granted, subject to the conditions set out in Annex A.

JE JOLLY

INSPECTOR

Annexe A:

- (i) The development hereby permitted shall begin not later than three years from the date of this decision.
- (ii) The development hereby permitted shall be carried out in accordance with the following approved plans and report: V01 Block and location plan, V02 Proposed elevations plan, V03 Proposed floor plans, V04 Proposed floor plans, V05 Proposed floor plans, V10 Design and access statement, and V11 Tree survey report.
- (iii) The external surfaces of the extension hereby permitted shall be finished with materials to match those of the existing buildings.
- (iv) All the trees and hedges shown in report V11 as "to be retained"* and/or any trees whose canopies overhang the site shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority. *In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

***** End of Conditions *****