
Appeal Decision

Site visit made on 4 February 2020

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th February 2020

Appeal Ref: APP/P0240/D/19/3242380

57 Bedford Road, Houghton Conquest, Bedford MK45 3NA

- 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 Philip Carr against the decision of Central Bedfordshire Council.
 - The application Ref CB/19/02187/FULL, dated 2 July 2019, was refused by notice dated 19 September 2019.
 - The development proposed is first floor rear extension and front porch extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. For the sake of completeness, I have taken the appellant's name and site address in the banner heading above from the appeal form as opposed to the application form.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 1a Bunyan Close, with particular regard to privacy.

Reasons

4. The appeal property, 57 Bedford Road (No 57), is a terraced dwelling with a single-storey projection attached to its rear elevation. The property at 1a Bunyan Close (No 1a) is situated such that the side boundary of its garden runs parallel with the rear boundary of terraced properties on Bedford Road, including No 57.
5. On my site visit I was able to see the appeal dwelling from the rear garden of No 1a. I could see that the rear garden already experiences a degree of overlooking due to the proximity of the existing rear first-floor bedroom window. However, in comparison with the appeal dwelling as it exists, the first floor of which is set back from the boundary between the appeal dwelling and No 1a, the proposed extension would significantly reduce the amount of space between the two properties. Given its proximity to the garden of No 1a and the position of the rear facing window proposed, it would result in direct overlooking of the garden and a considerable level of intrusion for the occupiers

of No 1a over and above the existing situation, significantly diminishing the level of privacy the occupiers enjoy in their rear gardens.

6. I appreciate that obscure glazing could be installed in the bottom half of the proposed window. However, a bedroom which provides no outlook from the window other than above eye level would result in an unacceptably oppressive internal living environment for occupiers of the bedroom. In any event, residents within the garden of No 1a would still be subject to the perception of intrusion, which would reduce the quality of the garden and the perception of privacy within it. Therefore, I do not find that the proposed form of mitigation would adequately compensate for the harm I have identified.
7. It is put to me by the appellant that the existing bedroom window in No 1a offers views directly into his bathroom, thus infringing on the privacy of the occupants of the appeal dwelling. Even if I was to accept that this was the case, it does not justify the appeal proposal, which I have assessed on its own planning merits and find would be materially harmful to the living conditions of No 1a.
8. For the foregoing reasons, the proposal would unacceptably harm the living conditions of the occupiers of 1a Bunyan Close, with particular regard to privacy. It would conflict with Policies DM3 and CS14 of the Central Bedfordshire Core Strategy and Development Management Policies 2009 and Section 7 of the Central Bedfordshire Design Guide 2014 which require, amongst other matters, that development respects local context, respects the amenity of surrounding properties and avoids overlooking so as to respect the privacy of neighbours. The development would also conflict with paragraph 127 of the National Planning Policy Framework which requires that development ensures a high standard of amenity.

Other Matters

9. The projection of the proposed extension would further reduce the potential for overlooking of neighbouring gardens on either side of the appeal property. However, neither of these gardens currently experience direct overlooking due to their oblique angle in relation to the first-floor rear facing window in the appeal dwelling. Therefore, this consideration is insufficient to outweigh the harm I have identified.
10. The proposal also includes a front porch extension. Like the Council, I do not find this element of the scheme objectionable as it would be relatively small in overall scale and have a limited impact on the street scene. However, the acceptability of this element does not detract from the harm I have identified in respect of the proposed rear extension.

Conclusion

11. Therefore, for the reasons given, the appeal is dismissed.

Matthew Woodward

INSPECTOR