
Appeal Decision

Site visit made on 3 February 2020 by A J Sutton BA Hons DipTP MRTPI

by Kenneth Stone BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st April 2020

Appeal Ref: APP/K0235/D/19/3240016

57 Risborough Road, Bedford, Bedfordshire, MK41 9QR

- 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 Richard Haynes and Ms Juanita Puddifoot against the decision of Bedford Borough Council.
 - The application Ref 19/01172/FUL dated 28 May 2019, was refused by notice dated 7 August 2019.
 - The development proposed is described as 'Demolish existing garage. Construct part single part two storey extension to rear and side. Internal modifications.'
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Decision

1. The appeal is allowed, and planning permission is granted to demolish existing garage and construct part single part two storey extension to rear and side in accordance with the terms of application Ref 19/01172/FUL dated 28 May 2019 and subject to the schedule of conditions attached to this decision.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The description of development in the formal decision above does not refer to internal modifications as these do not require permission.
4. The Bedford Local Plan 2030 was adopted January 2020 (Local Plan 2020), subsequent to the submission of this appeal. Comments from both parties, regarding the effect of the local plan adoption on this particular proposal were therefore sought. Appendix 1 of Local Plan 2020 indicates that policies cited on the decision notice have been replaced by Policies 28S, 29 and 30 of the Local Plan 2020. The appellants have not commented on this matter.
5. Policy 28S of the Local Plan 2020 focuses on place making, ensuring development complements the character of areas and other matters which are not at issue in this particular case. Policy 29 makes no specific reference to the effect of development on neighbouring properties. Therefore, these policies have not been decisive in this case.

6. Policy 30 requires consideration of the impact of development. Whilst it does not make specific reference to considering the impact of development on occupiers of neighbouring properties it does require development proposals to take account of the principles of good design. The National Planning Policy Framework (Framework) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 (f) requires decisions to ensure that developments create places ... which promote health and well being, with a high standard of amenity for existing and future users.

Main Issue

7. The main issue is the effect of the development on the living conditions of the occupiers of No 59 Risborough Road with particular reference to outlook.

Reasons for Recommendation

8. The appeal property is a mid 20th Century semi-detached dwelling in a suburban setting. The residential area comprises a uniformed pattern of development with similar modest sized semi-detached dwellings with relatively reasonable size rear gardens. Properties close to the appeal site appear unaltered although there are examples of side and rear extensions evident in the surrounding area.
9. The proposal is for a single storey side extension with a part two-storey and single storey rear extension.
10. Planning permission was granted for a similar proposal following refusal of consent for the proposal before me.¹ The approved scheme appears identical in all respects, with the exception of the proposed extension to the rear. When comparing dimensions of the two storey rear extension, as stated in respective officer reports, the development subject of this appeal would be approximately 0.30m higher, 0.20m deeper, 0.50m wider and the overall rear extension would be 0.50m closer to the boundary with No 59 than the approved scheme.
11. Although I did not observe any evidence that works on the approved scheme had commenced when I conducted my site visit, I have nothing before me that would suggest that the appellants would not implement that planning permission if permission for this development were not forthcoming and I therefore must have regard to this as a legitimate potential fallback position in reaching my decision.
12. The plans submitted indicate the two-storey rear extension would not breach the 45 degree code when measured from the first floor bedroom window of No 59. However, the code would be breached by the proposed rear single storey extension when measured from the patio doors at ground floor level which serve the living room of the property. I note, however, that the approved single storey rear extension would also breach the 45 degree code.
13. The proposed rear single storey extension would be modest in projection, with low eaves height and a roof that would pitch away from the boundary. It would not differ substantially from that approved and the rear of both properties benefit from a south facing aspect. As such the development would not lead to an unreasonable loss of light to the ground floor patio doors, living room or

¹ Decision Notice Ref 19/01865/FUL dated 22 October 2019

patio area of No 59. Furthermore, there is no additional information before me which suggests the development would result in overshadowing or lead to significant loss of sun/day light to the neighbouring property.

14. The proposed two-storey extension, again modest in proposed projection, would be positioned in excess of 2m from the boundary with No 59. The submitted plans confirm that this aspect of the development would not breach the 45 degree code. Given the proposed scale and position of the development and the favourable aspect of both properties the development would not result in a loss of light to the rear bedroom window of No 59 or the garden space of the property.
15. Furthermore, the boundary fence between the two properties comprises a panel fence which would reduce the effect of the development and the proposed scale of the single storey extension would ensure that the development would not appear overbearing to the occupiers of No 59 when using rear ground floor rooms and the patio area.
16. In summary, the proposal before me would comprise a minor change to development which has already been permitted, and to which I have no reason to doubt would be constructed. The modest proportions of the proposed development and the appeal property's orientation in relation to No 59 would ensure that the living conditions of the occupiers of No 59 would not be harmed.
17. It is therefore concluded that the proposed extension would not result in an unreasonable loss of light to the ground floor window or appear overbearing to the occupiers of the neighbouring property, No 59. Therefore, the proposal would not be contrary to Policy 30 of the Local Plan 2020 which requires the consideration of the impact of development and that account is taken of the principles of good design.
18. The proposal would also not be contrary to Design Code E6 and E7 of Residential Extensions, New Dwellings and Small Infill Developments 2000 which requires the consideration of whether extensions would affect daylight and sunlight enjoyed in neighbouring homes and would not have an overbearing effect on another property because of its scale, massing and proximity.

Other matters

19. The effect of the development on property values is not a matter which I can consider in reaching this decision.

Conditions

20. In addition to the statutory requirement to impose a time-limit within which the development must be started, conditions are required to ensure that the development is undertaken in accordance with the approved plans for certainty and to ensure materials match those of the existing dwelling to protect the character and appearance of the area.
21. The Council, in its Officer report, has also suggested a condition requiring obscured glazing and limited opening for windows on the proposed west elevation which I support to protect the privacy of occupiers of the neighbouring property.

Conclusion and Recommendation

22. For the reasons outlined above, and having regard to all other matters raised, I recommend that the appeal should be allowed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and concur that the appeal should be allowed subject to the attached conditions.

Kenneth Stone

INSPECTOR

Schedule of 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: Location Plan; Existing Site Plan Drawing Number 328-03; Proposed Site Plan Drawing Number 328-17; Proposed Elevations Drawing Number 328-16; Proposed Ground Floor Plan Drawing Number 328-14; and Proposed First Floor Plan Drawing Number 328-15.
- 3) The material to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The windows in the west elevation at the first floor level shall contain no means of opening (unless any opening part of the window is at least 1.7 metres above the floor of the room it serves) and the glass shall be an obscured glazed type at least level 3 glass as defined in the 'Pilkington Textured Glass Range'. The windows as inserted in accordance with those requirements should be retained thereafter.

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