
Appeal Decision

Site visit made on 8 July 2020

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2020

Appeal Ref: APP/K0235/W/20/3247058
49 Goldington Avenue, Bedford, MK40 3BZ

- 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 P Nicholls against the decision of Bedford Borough Council.
 - The application Ref 19/02440/FUL, dated 4 November 2019, was refused by notice dated 31 December 2019.
 - The development proposed is an external spiral stair from first floor level to rear garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. After the Council issued its decision it adopted the Local Plan 2030 (January 2020) (LP) which replaced policies of the Local Plan (2002) and Core Strategy and Rural Issues Plan (2008). I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the development on the living conditions of neighbouring occupants, with particular regard to privacy; and the effect on the character and appearance of the area.

Reasons

Neighbours' living conditions

4. The appeal property is a first floor flat in a residential street comprising terraced properties. The relatively densely developed terrace results in some mutual overlooking between neighbouring properties from first floor windows.
5. The proposed development would involve a raised platform accessed from a new set of doors at first floor level which would lead to the rear garden via a spiral staircase. The introduction of doors and a raised platform, on to which people could walk and potentially sit, would inevitably increase the likelihood, nature and frequency of overlooking.
6. Notwithstanding the proposed privacy screen to the north, much of the neighbour's modest garden would be visible from the platform. Similarly, the presence of an evergreen tree in the neighbour's garden to the south would do little to prevent views of the majority of their garden.

7. I note that the appellant intends to use the platform and stairs for access to the garden only rather than as a balcony or sitting area but that is not a matter that could be controlled, nor is there any certainty that future residents would use the development in the same way. Whilst I acknowledge that it would be convenient to have direct access from the flat to the garden, alternative access is available via the existing alleyway to facilitate use of the garden at present and so I attach this matter only limited weight.
8. The proposed privacy screen might obscure part of the view currently available over the neighbouring garden but the limited oblique view available when standing at the existing window is not comparable to that which would become possible after the development and does not mitigate or overcome the harm I have identified.
9. The increased overlooking and loss of privacy to neighbouring occupants would be unacceptably harmful to living conditions. This would be in conflict with Policy 32 of the LP, which seeks to avoid harmful overlooking, and the objective of the National Planning Policy Framework to protect amenity.

Character and appearance

10. The properties are traditional in design and a good deal of uniformity is notable in the appearance of the rear outriggers. There are no examples of similar platforms or stairs visible from the appeal site, but I note that they do exist slightly further afield, having reviewed the appellant's photographs. Although the development would be visible from neighbouring properties, it would not be seen from the public realm.
11. Whilst not characteristic of the street, I do not consider that the development would be unduly harmful to the character and appearance of the area, subject to an appropriate detailed design and appearance to ensure that the structure remained of a domestic style. This could be secured by condition if the appeal were allowed. As such, I find no conflict with Policies 29 and 30 of the LP, or Design Codes E1 and E2 of the Council's Design Guidance.

Other Matters

12. I have had regard to the appeal decision¹ identified by the appellant which allowed a balcony with privacy screen. However, that case did not involve such densely developed terraced properties and does not alter my conclusions in relation to the current appeal.

Conclusion

13. Although the development would not harm the character and appearance of the area, it would result in significant harm to neighbours' living conditions in conflict with Policy 32 of the LP. There are no material considerations that indicate a decision other than in accordance with the development plan.
14. In light of the above, the appeal is dismissed.

Michael Boniface

INSPECTOR

¹ APP/H0738/D/14/2214761