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## Appeal Decision

Site visit made on 30 June 2020

**by A Denby BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 August 2020**

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**Appeal Ref: APP/K0235/W/20/3245416**

**19 Conduit Road, Bedford, MK40 1EQ**

- 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 Haire against the decision of Bedford Borough Council.
  - The application Ref 19/01009/FUL, dated 8 May 2019, was refused by notice dated 18 December 2019.
  - The development proposed is extension and conversion / adaptation of existing structure to form 3No. apartments.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Since the application was submitted, the Bedford Borough Local Plan 2030 (LP) has been adopted. The LP has replaced the Core Strategy and Rural Issues Plan, 2008 and saved policies from the Bedford Borough Local Plan, 2002.
3. In its statement the Council has indicated that it considers policies 28S, 29 and 30 of the now adopted LP to be relevant to the appeal proposal. The appellant has had the opportunity to comment on these policies. Against this background, no injustice has been caused to either appeal party. I have therefore had regard to the most up to date development plan policies as I determine this appeal.
4. The property benefits from planning permission, allowed on appeal, for an extension to the rear, to extend and convert/adapt the existing structure to form 2 apartments.<sup>1</sup> I saw on my site visit that works relating to this permission have commenced. For the avoidance of doubt, I confirm that my determination of this appeal is based on the plans submitted, and on which the Council made its decision.

### Main Issues

5. The main issues are the impact of the development on the:
  - character and appearance of the area;
  - living conditions of existing occupants at 17 Conduit Road with particular regard to overbearing impact, outlook, daylight and sunlight; and

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<sup>1</sup> Application ref:17/01804/FUL, appeal ref:APP/K0235/W/18/3197856

- whether the development makes adequate provision for cycle and bin storage.

## **Reasons**

### *Character and appearance*

6. The appeal site consists of a substantial two and a half storey semi-detached property with two-storey outrigger to the rear. The property is set back from the frontage with a shared pedestrian access to the side and a paved courtyard area to the rear.
7. The appeal site sits within a run of semi-detached dwellings to the east of Conduit Road that are of similar design and have a distinctive gable feature to the front and rear. A bowling green adjoins the rear site boundary, and this permits open views of the rear of the appeal site and neighbouring properties. The repetition in the building style and design to this side of Conduit Road provides regularity in the street scene and this is also reflected in the rear elevations which, with the openness offered by the adjacent bowling green, are clearly visible from the surrounding area.
8. The appeal scheme proposes a two-storey extension to the existing outrigger that would extend to the rear site boundary. The extension would, in part, follow the existing eaves and ridge line of the outrigger, forming a mono-pitch roof. The extension would however be wider than the existing outrigger, and a dutch hip roof is proposed to this section. In addition, a substantial box-style dormer window is proposed. This would extend along almost the full depth of the existing outrigger and proposed extension.
9. Whilst the extension and dormer would be lower than the main part of the building, the dormer would incorporate minimal set back at eaves level and set down from the ridge of the existing outrigger. Considering this and its overall size the dormer would be a dominant feature, resulting in a substantial roof form and top-heavy appearance to the extended outrigger that would compete visually with the existing building and, from the rear, become a key focus of the building.
10. Furthermore, its intersections with the dutch hip roof proposed and the gable end to the main part of the existing building are not well considered. There would be a clear lack of distinction between these differing elements, resulting in a complicated, bulky roof arrangement that would dominate, and fail to complement, the simple style and design of the host property. The dormer would also partially obscure the existing gable feature to the rear, with one of the existing windows also being removed. When considered together these elements would lack architectural subtlety and diminish the character of the host property and that of the semi-detached property, of which it forms an integral part.
11. There is a mature yew tree, subject of a preservation order, that sits in close proximity to the rear of the appeal site boundary and this offers some screening. However, even with the presence of the tree there are still clear views of the rear of the site from the adjacent bowling green and surrounding area to the north-east, though it is acknowledged that views are more restricted when directly to the rear and from the south-east.

12. Nevertheless, considering the open character of development adjacent to the site the appeal scheme would be a prominent and incongruous addition and together, the proposed two-storey rear extension and rear dormer roof addition, would result in unacceptable harm to the character and appearance of the host dwelling and street scene.
13. On the basis of the above I therefore conclude that the proposed development would be contrary to LP Policies 28S, 29 and 30 which, amongst other things, seek to ensure that development achieves a high quality design, integrating well and complementing the character of the surrounding area, responding positively to and reflecting scale, height and massing. For the same reasons the proposals would also not accord with the high-quality design requirements of the National Planning Policy Framework (the Framework).
14. I note that the principle of a two-storey rear extension has been previously accepted by the Council. That scheme however did not include a dormer window and its overall size and design resulted in significantly less bulk than the current appeal scheme.
15. The appellant has also drawn my attention to other dormer windows in the vicinity of the site. I saw on my site visit that the dormer window at 25 Conduit Road is not comparable to the appeal scheme. It is substantially smaller in all respects, wholly contained within the roof slope of the outrigger, which has not been extended to the rear, and it does not intersect with the main dwelling. Whilst the dormer at 39 Conduit Road appears to be more comparable in terms of size, it does appear as a dominant feature.
16. However, I do not know the full circumstances of these other schemes, and in any event each case must be considered on its own merits. I therefore do not find that the fall-back position or presence of other dormers in the vicinity provides justification for overcoming the harm I have identified here.

#### *Living Conditions*

17. No 17 Conduit Road is located to the south of the appeal site and comprises the attached semi-detached property, being almost a mirror image of the appeal site with a two-storey outrigger to the rear. There is a first-floor window to the rear of the outrigger which serves a habitable room.
18. The appeal scheme would result in a large flank wall directly on the site boundary that would be the same height as the ridge of the existing outrigger. It would also be in very close proximity to, and extend significantly beyond, the existing window. As a result, there would be considerable built mass to the side boundary with No 17.
19. Due to the proximity, depth and height of the rear extension it would be a dominant feature and result in an unacceptable sense of enclosure when inside the property, restricting outlook and creating an oppressive feeling within the dwelling.
20. The appellant has stated that the window to the rear is secondary, though there is limited detail on this within the evidence before me. Nevertheless, even if there is another window that would not be affected by the proposed development, this would not outweigh the unacceptable harm to the living conditions of existing occupiers that I have identified above.

21. The appeal scheme would also have a substantially greater impact than the extension previously approved. That scheme incorporated a lower eaves height and hipped roof which sloped away from the side and rear boundaries, and therefore its overall bulk and visual impact were significantly less.
22. The appeal site is located directly to the north of No 17 and, whilst the extension would visually be overbearing, considering the orientation there would be little impact on sunlight and daylight to the existing window.
23. Whilst I have not found harm in respect of impact on sunlight and daylight, the extension would have a significant and unacceptable overbearing impact on the occupiers of No 17. The proposal would therefore be contrary to LP Policies 29 and 30 and guidance contained within Design Code N7 of the Residential Extensions, New Dwellings & Small Infill Developments, 2000 (SPG) which amongst other things, seeks to ensure that proposals have consideration of the impact of development, and that account is taken of the principles of good design in relation to creating a positive relationship with its surrounds, and development does not have an overbearing effect on neighbouring properties.
24. For the same reasons the proposal would also be contrary to Paragraph 127(f) of the Framework which requires developments to achieve a high standard of amenity for existing users.
25. The appellant has stated that the SPG is out of date and limited weight should be attached to it. However, the SPG sets out principles of good design reflective of the LP Policies and the Framework, and the LP is clear that it remains relevant and developments should have regard to the guidance contained within it, as such this does not lead me to a different conclusion.

#### *Bin and cycle storage*

26. The submitted plans indicate cycle parking and bin storage to the rear of the site, though this provision would not accord with the Council's current standards or requirements.
27. With regards to cycle parking it is acknowledged that the site is within easy walking distance to local services and facilities, however, there needs to be a genuine choice of transport modes available to all future occupiers, and this includes cycling. The appellant has stated that due to the proximity to services occupiers would be more likely to walk, there is however little detail in the evidence before me to substantiate this.
28. It is not clear that sufficient space exists on the site to accommodate both the bin storage or cycle parking without having a harmful impact on the amenities of existing or future occupiers, from issues such as siting or the need to reduce outdoor garden areas. These matters could not, therefore, be addressed by condition.
29. The proposal would therefore conflict with LP Policy 29, which seeks to ensure that developments integrate functional needs, such as refuse / recycling storage and collection points and cycle parking. The appellant refers to concerns with regards to highway safety, though this was not the basis of the Council's concern.

### **Other Matter**

30. Whilst the appellant has attempted to address the Council's objections to a previous scheme on the site, having considered the proposal on its own merits, this does not alter the harmful effects I have found. This other matter, therefore, does not lead me to a different conclusion.

### **Planning Balance**

31. The site is close to local services and facilities and within the urban area where LP Policies and the Framework would support development. I note that the Framework also emphasises the need to support the efficient use of land and acknowledge the important contribution small sites can make to housing supply. Whilst I have taken this into account, the proposal would only result in a net increase of 1 dwelling, and this would have a limited impact in relation to boosting the supply of housing or addressing any need for smaller units.
32. Similarly, any employment created during construction and from future occupants use of local services would only result in temporary and modest benefits.
33. Overall, I do not consider any benefits of the proposal would be sufficient to outweigh the harm identified, and the proposal would not accord with the Development Plan or Framework when taken as a whole.

### **Conclusion**

34. For the reasons given above I conclude that the appeal should be dismissed.

*A Denby*

INSPECTOR