



Appeal Decision

Site visit made on 11 September 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Appeal Ref: APP/K0235/D/20/3257147

17 Rhineland Way, Bedford MK41 7YP

- 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 N Mohammed against the decision of Bedford Borough Council.
 - The application Ref 20/00762/FUL, dated 2 April 2020 was refused by notice dated 9 July 2020.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is dismissed.

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.

Main Issue

3. The main issues are the effect of the development on (i) the character and appearance of the host dwelling and the surrounding area; and (ii) the living conditions of the occupants of No. 15 Rhineland Way regarding light and outlook.

Reasons for the Recommendation

Character and appearance

4. The appeal site is located in the Rhineland Way cul-de-sac and comprises a two storey detached dwelling which benefits from two adjoining garages on the side elevation. It is located at the turning point of the cul-de-sac with a public footpath running along the northern boundary of the site, separating it from the neighbouring dwelling at No. 15.
5. The surrounding area is characterised by its residential nature. Rhineland Way is made up of detached bungalows and two storey properties laid out on a bend with stepped building lines. The public footpath beside the site marks a transition of style such that the properties at the turning point of the cul de sac are all two storey dwellings with attached garages, and it is primarily in this context that the appeal site is experienced. In general, there is a high level of consistency in style, scale and design of the dwellings at the turning point, but the appeal site is notable by its distinction due to the double entrance doors, columned entrance porch and

second garage. These additional elements, coupled with the prominent, set back plot beside the public footpath results in the appeal property being an imposing feature in the immediate locality.

6. The proposal relates to a two storey side extension. This would introduce significant additional bulk to the dwelling which, due to being built flush with the main elevation, would not appear subservient. It is acknowledged that the first floor would be set in slightly from the side elevation of the ground floor but the development would nonetheless result in a sizeable and dominant dwelling with a level of built form and dimensions that would not respect the character or appearance of the host building.
7. Due to this lack of distinction between the main dwelling and the extensions, the proposal would be contrary to the guidance of the Bedford Borough Council Design Guidance Residential Extensions, New Dwellings and Small Infill Developments, January 2000 (the Design Guidance). This acknowledges at paragraph E1 that extensions which follow the exact shape of the building can often unbalance its appearance and suggests that an extension should 'step down and back' so as to appear secondary to the main building. While the appellant has argued that E1 applies only to semi-detached properties, this does not appear to be the case on the basis of the documents submitted. Additionally, while the Design Guidance represents guidance rather than policy, it is nonetheless a material consideration in the determination of this appeal.
8. With regards to the effect of the proposal on the surrounding area, it is acknowledged that due to the footpath to the side of the appeal site the development would not result in the overall plot appearing cramped. Nonetheless, the additional built form at the appeal property would serve to further distinguish the dwelling from the immediate neighbouring properties, decreasing the consistency of the housing present at the turning point. It would result in a size of dwelling that would be at odds with the otherwise modest scale of the properties in Rhineland Way which, due to the prominence of the plot, would appear as a dominant addition to the streetscene. The resulting dwelling at the appeal site would be an incongruous form of development at this location, failing to respect the overall character and appearance of the surrounding area.
9. Furthermore, the proposal would result in an increased expanse of solid brick along the northern elevation, which would rise above the boundary fence and be readily visible from the public footpath. This would appear as a stark and awkward addition to the dwelling, at odds with its residential nature and failing to reflect the character of the property or the surrounding area.
10. The appellant has argued that a side extension at the property that is stepped down and back in accordance with the Design Guidance would also appear incongruous in the locality. However, I am required to make my recommendation based on the impact of the proposal before me. The impact of an alternative form of development is not for me to consider and, in any event, no plans of an alternative scenario have been presented through which a comparison could be drawn. As such, little weight is attached to this argument.
11. For all of those reasons I find that the development would have a significantly adverse visual effect on the character and appearance of the host building and the surrounding area. Accordingly, it would fail to comply with Policies

28S(i)(ii), 29(i)(ii) and 30(i)(ii) of the Bedford Borough Local Plan 2030, adopted January 2020, and the Design Guidance.

Residential amenity

12. Due to the scale and dimensions of the proposal it would bring the built form of the dwelling closer to the side boundary of the appeal site, and as such, closer to the side elevation of the neighbouring bungalow at No. 15. In addition, it would project further rearwards than the current property at the appeal site.
13. Its presence would inevitably create a change in the outlook experienced from both the windows along the rear elevation of No. 15 and the rear garden when looking south towards the appeal site. However, this outlook is already somewhat diminished due to the tall boundary fence along the rear garden of No. 15 and the fact that the appeal property benefits from an additional storey when compared to the bungalow. At present the main outlook from the rear windows at No. 15 is experienced when looking towards the back garden present at the property, which would remain unchanged.
14. Furthermore, while the proposal would be closer to the side boundary of No. 15 than the current dwelling, the public footpath between the properties provides adequate separation such that it would not appear unduly overbearing or dominant from either the back garden or rear windows of No. 15. In addition, it is agreed between the parties that the proposal would not project within a 45 degree splay drawn from the nearest amenity window at No. 15.
15. For similar reasons, it is not considered that the proposal would lead to a significant loss of light for the residents of No. 15. While the extension would be located to the south of the rear garden at No. 15, it would not run the entire length of the boundary and would retain an adequate separation distance from the neighbouring dwelling. The rear garden at No. 15 would therefore remain sufficiently open to ensure that adequate light is still available for this dwelling with the proposal in place. Taken together with the sun path diagrams which illustrate a limited impact on direct sunlight resultant from the proposed extension, the effect on light would be limited.
16. For all of those reasons I find that the development would not have a significantly adverse effect on the living conditions of the residents of No. 15 Rhineland Way with particular regard to outlook and light. Accordingly, it would comply with Policies 28S(i)(ii), 29(i)(ii), 30(i)(ii) and 32 (i)(iv) of the Bedford Borough Local Plan 2030, adopted January 2020, and the Design Guidance.

Conclusion and Recommendation

17. Having had regard to all matters raised, I find that the development would not have a significantly adverse effect on the living conditions of the occupiers of No. 15 Rhineland Way with regards to outlook and light but that it would have a significantly adverse visual effect on the character and appearance of the host building and the surrounding area. I therefore recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

C Preston

INSPECTOR