



Appeal Decision

Site visit made on 6 October 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/K0235/D/20/3251340
214 Spring Road, Kempston MK42 8ND

- 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 Gurpreet Singh against the decision of Bedford Borough Council.
 - The application Ref 19/02700/FUL, dated 5 December 2019, was refused by notice dated 30 January 2020.
 - The development is proposed gym.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - i) the living conditions for the occupants of 8 Eastdale Close, having particular regard to outlook; and
 - ii) the character and appearance of the surrounding area.

Reasons

Living conditions

3. The proposed structure would be located to the rear of the appeal site, adjacent to the side boundary of 8 Eastdale Close, a dwelling which is angled towards the appeal site. No 8 has a demonstrably smaller garden than the appeal site and has facing windows close to the shared boundary.
4. The proposal would span much of the width of the existing garden and as a consequence, it would occupy much of the shared boundary with No 8. The building would also be substantially taller than the existing boundary enclosure. Due to the angled nature of the neighbouring garden and the proximity of the adjacent windows, the height and width of the proposed building would have a substantially enclosing effect on No 8. Moreover, due to the limited separating distance to the adjacent windows as well as their alignment, views of the proposed structure would not be oblique. Instead, the proposal would result in an enclosure of a significant height and width that would dominate the outlook from No 8.
5. It is noted that the existing boundary enclosure could be increased in height without needing planning permission. However, despite this, the proposal

would remain noticeably taller than the allowed increase. This matter does not therefore alter my findings identified above. I also note the allowances for outbuildings that may be possible through permitted development rights. However, I have to assess this appeal on the basis of the evidence before me and I am not aware of any specific alternatives in relation to permitted development, other than specified dimensions. As a consequence, there is no meaningful fallback position to assess, and therefore, I attach very little weight to what may or may not be achievable through permitted development rights.

6. Accordingly, for the reasons identified above, the proposal would dominate the neighbouring property, and would have a demonstrably overbearing and oppressive effect on both the neighbouring garden and facing windows. I therefore conclude that, having particular regard to outlook, the proposal would harm the living conditions for the occupants of 8 Eastdale Close. It would therefore fail to accord with Policies 28S, 29, 30 and 32 of the Bedford Borough Local Plan (2020) (LP). Taken together, these seek amongst other things, development which respects the context within which it will sit.

Character and appearance

7. The appeal site is located within a pleasant and typical suburban environment. Front and rear gardens provide pleasing relief to the surrounding built form and outbuildings to the rear are not an untypical feature. The proposed outbuilding would be large. However, it would be located within a generous garden and would be difficult to appreciate from within the public realm. Accordingly, I am satisfied that the building would not be at odds with the prevailing suburban environment.
8. I therefore conclude that the proposal would not harm the character and appearance of the surrounding area. In this regard, it would comply with Policies 28S, 29, 30 and 32 of the LP, which taken together, and amongst other things, promote high quality design.

Conclusion

9. For the reasons identified above, the appeal should be dismissed, and planning permission be refused.

Martin Chandler

INSPECTOR