



Appeal Decision

Site visit made on 7 September 2020

by David Carter BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2020

Appeal Ref: APP/K0235/D/19/3243124

48 Lovat Walk, Kempston, Bedford MK42 7LX

- 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 and Mrs J. Masih against the decision of Bedford Borough Council.
 - The application Ref 19/02357/FUL, dated 23 October 2019, was refused by notice dated 4 December 2019.
 - The development proposed is a first floor/side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a first floor/side extension at 48 Lovat Walk, Kempston, Bedford MK42 7LX in accordance with the terms of the application, Ref 19/02357/FUL, dated 23 October 2019, subject to the following 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 approved plans:
 - (i) Existing Floor Plans and Elevations: Drawing No. 4818/P1
 - (ii) Location Plan, Site Plan and Proposed Floor Plans and Elevations: Drawing No. 4818/P2B.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The appeal proposal is an amended version of an earlier scheme that was dismissed on appeal (APP/K0235/D/18/3217243). I consider the changes compared to the earlier proposal below.
3. The Bedford Borough Local Plan 2030 was adopted on 15th January 2020 (LP) replacing the policies formerly set out in the Bedford Borough Local Plan (2002) and the Core Strategy and Rural Issues Plan (2008). The Council officer's report and the decision notice refer to the policies in the replaced plans. Notwithstanding this, I have determined the appeal on the basis of the policies set out in the recently adopted LP.

Main Issue

4. The main issue is the likely effect on the living conditions of the occupants of neighbouring properties by virtue of the siting, scale, size and bulk of the proposed extension.

Reasons

5. No 48 is an end of terrace property with parking to the rear. The ground floor of the appeal property has already been subject to extension at ground floor level both to the side and rear. The appeal proposal would add first floor elements to both the side and rear. Nos 50-56 form a separate terrace which is perpendicular to the orientation of the appeal property. The rear gardens of Nos 50 and 52 back onto the side elevation of the proposed extension. A number of alterations have been made to the scheme previously dismissed on appeal. In summary, these include; a lowering of the ridge line of the roof to the extension, a reduction in the depth of the side extension at first floor level, no new windows are proposed in the side elevation as previously proposed and, the width of the first floor element to the rear has been reduced and set back from the boundary with No 46.
6. The Council recognise that the effect of the changes to the design addresses some of the previous objections and, in particular, would remove concerns over the potential loss of daylight to No 46 and fears of overlooking into adjacent gardens from a first-floor window in the side elevation. I have no reason to disagree on these points.
7. The Council has maintained its objection to the effect of the proposal on the outlook for the residents of Nos 50 and 52. However, I note that setting back of the first floor side extension and reduction of the height of the proposed ridge line would be important in helping reduce the visual effect on the outlook from Nos 50 and 52.
8. The orientation of Nos 50 to 52 also means that the sun rises to the front and sets to the rear so, the effect on day and sun-lighting arising from the appeal proposal would be negligible on the rear gardens of those properties.
9. A new window at first floor level in the front elevation of the proposed side extension would ensure daylighting into the new first floor bedroom, whilst overcoming the overlooking objections which had been highlighted by the Inspector into the earlier appeal. Additionally, the Council has also noted that the separation distances between Nos 48 and Nos 50 and 52 meet the minimum requirements.
10. Accordingly, I find that the appellant has responded sympathetically to previous objections so that the design of the proposed extension would neither have a harmful overbearing impact nor harm the amenity of the occupiers of adjoining properties. The depth of the rear extension, at less than 2.9m at first floor level, would not be out of scale or excessive in size and bulk in relation to the existing property.
11. As such, I find that the appeal proposal would not conflict with Policies 28S, 29 and 30 of the LP. These policies expect development to contribute to good place-making through high quality design respecting the context within which it sits. The proposal also responds positively to the advice in Design Guide E7 of Residential Extensions, New Dwellings and Small Infill Developments (2000).

Conditions

12. I have considered conditions in relation to the Framework and the PPG. The conditions are considered to be reasonable and necessary to make the approved development acceptable.
13. Condition 1 refers to the standard time limit with condition 2 defining the plans with which the scheme shall accord. This will provide certainty regarding the scope of the permission. Condition 3 requires the external surfaces of materials to be used in the proposed extension to match the existing building to safeguard the character and appearance of the area.

Conclusion

14. For the reasons stated above the appeal is allowed, subject to conditions.

David Carter

INSPECTOR