
Appeal Decision

Site visit made on 11 January 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2021

Appeal Ref: APP/K0235/D/20/3260505

7 Lavenham Drive, Biddenham MK40 4QR

- 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 Singh against the decision of Bedford Borough Council.
 - The application Ref 20/00736/FUL, dated 30 March 2020, was refused by notice dated 28 August 2020.
 - The development proposed is front, side and rear extensions.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect upon the character and appearance of the host dwelling and surrounding area; and
 - The effect upon the living conditions of neighbouring occupiers at No 5 Lavenham Drive (No 5), having particular regard to privacy.

Reasons

Character and appearance

3. The appeal property is a two-storey detached dwelling located within a residential area typified by large properties positioned upon often generously sized plots and setback from the highway. Dwellings can be observed to be set upon a variety of different orientations and building lines and tend to be individually designed. A varied palette of external facing materials is in place. The area thus has a spacious, mixed and informal residential character and appearance.
4. The Council's Residential Extensions, New Dwelling and Small Infill Developments Supplementary Design Guidance (January 2000) (RENSID) contains a design code for extensions, against which schemes will be judged upon their own individual merits. Although not recently adopted, I do not accept that RENSID is substantially out of date. Indeed, whilst merely guidance, it provides clear expectations specific to residential extensions and is not inconsistent with the National Planning Policy Framework (February 2019) (the Framework) in so far as it seeks the achievement of well-designed places.

5. RENDSID indicates that, in most situations, it is appropriate for an extension to step down and back and to appear as secondary to the existing dwelling. Further, it states that, in tightly developed areas, two storey extensions should be at least 1.5 metres away from any side boundary and that, in areas where existing properties are widely spaced, the distance of extensions from the boundary should be increased appropriately to reflect the character of the area.
6. In terms of the proposed two-storey rear extension and single-storey link and front extensions, I have no issues to raise in a character and appearance context. Indeed, the single-storey additions would be of low-scale and appear as subservient and appropriate. The rear extension, whilst sizeable, would be discreetly sited, set down in height and would respect the property's existing building lines. The intended sizing of upper-floor windows to the rear does not raise undue concerns in a design sense. Indeed, they would be low-impact additions visible only from a narrow range of potential vantage points.
7. However, the proposed two-storey side extension (the side extension) causes concern. Owing to the appeal property's orientation and Lavenham Drive's curved alignment, it would occupy a particularly prominent location in proximity to the highway and at odds with the spaciousness that strongly characterises the local area. I do not consider that the side extension would integrate comfortably.
8. Furthermore, whilst the side extension would be stepped down in height and stepped back behind the host property's front building line, the differentials would be subtle rather than obvious and clear. When also factoring in its prominent siting and relatively generous width, the side extension would not appear as a genuinely subservient addition. It would instead compete with the host dwelling and unbalance its appearance. This is even though the side extension would incorporate a front bay and be constructed from matching materials.
9. For the above reasons, the proposal would cause harm to the character and appearance of the host dwelling and surrounding area. The proposal conflicts with Policies 28S, 29 and 30 of the Bedford Borough Local Plan 2030 (adopted January 2020) (the Local Plan) and the guidance contained within RENDSID in so far as these policies and guidance expect development to contribute to good place-making and contribute positively to the area's character and identity.

Living conditions

10. The proposed rear extension would contain upper-floor window openings (intended to serve bedrooms and an en-suite) that would be orientated towards No 5's private rear garden area. As set out as guidance within RENDSID, where a primary window directly overlooks an adjacent house or garden the window should not be closer than 9 metres from the relevant boundary.
11. It is important to note that the westernmost proposed south-facing bedroom window would be of high-level specification to guard against direct overlooking opportunities for future occupiers of the proposed development. Unrestricted outlook from this room would instead be appropriately provided for via the extension's west-facing side elevation. In the event the appeal be successful, it would be possible to impose a planning condition to ensure that a window of high-level design would indeed be installed and thereafter retained.

12. With respect to the easternmost proposed south-facing bedroom window opening, this would be setback a generous distance from the appeal site's edge. Indeed, it would not be positioned/orientated to offer direct or potentially harmful overlooking opportunities of No 5 or its private rear garden space. Furthermore, and for the avoidance of doubt, a condition could be imposed to ensure that the en-suite window would be obscure-glazed and would remain so.
13. For the above reasons, the proposal would not cause harm to the living conditions of neighbouring occupiers at No 5, having particular regard to privacy. The proposal accords with Policy 32 of the Local Plan in so far as it requires that particular attention be given to factors which might give rise to disturbance to neighbours and the surrounding community, including overlooking.

Other Matters

14. I have noted objections/concerns raised by interested parties with respect to matters including potential domineering effects and parking impacts. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters further here.
15. On the basis that the most important policies for determining this appeal are recently adopted and not out-of-date, I have not applied the presumption in favour of sustainable development as set out at paragraph 11 of the Framework.
16. The proposed extensions would provide enlarged/enhanced living space at the site. However, any benefit to the wider community would be limited and would not outweigh the considerable harm identified to the character and appearance of the area. The proposed development conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

17. Whilst I have found that the proposal would be acceptable in the context of the privacy of neighbouring occupiers at No 5, I have identified that considerable harm would be caused in a character and appearance sense. That harm is the overriding consideration in this case.
18. For the above reasons, the appeal is dismissed.

Andrew Smith

INSPECTOR