



Appeal Decision

Site Visit made on 16 February 2021 by John Gunn DipTP Dip DBE MRTPI

Decision by L Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2021

Appeal Ref: APP/K0235/D/20/3263119

55A Church Lane, Oakley, MK43 7RU

- 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 J Price against the decision of Bedford Borough Council.
 - The application Ref 20/01393/FUL, dated 1 July 2020, was refused by notice dated 26 August 2020.
 - The development is described as Proposed carport.
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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.

Preliminary Matters

3. A request was made by the Council that I visit neighbouring properties at 55 and 57 Church Lane, and 100 Ruffs Furze, to assess the impact the proposal might have on the occupiers' living conditions. Having assessed the evidence submitted by the parties, I considered that views from the appeal site alone would provide a good understanding of the relationship between the appeal proposal and the neighbouring properties. Consequently, the properties were not visited as requested.
4. On my site visit, I noted the presence of two large white conical 'tent like' structures at the front of the existing garage. These largely coincided with the area that would be occupied by the proposed development. From the evidence before me I am unaware of the status of these structures and consequently, their presence does not weigh in favour of the appeal.
5. I am familiar with the detailed planning history of the site, as set out in the parties' evidence, including two appeals that were allowed and one that was dismissed.

Main Issues

6. The effect of the proposed development upon 1) the character and appearance of the surrounding area; and 2) the living conditions of existing and future occupants of Nos 55 and 57 Church Lane, with particular regard to outlook.

Reasons

Character and appearance

7. The appeal site lies in a residential area comprising a mix of single and two storey detached properties.
8. The proposed development would extend the existing triple garage in the direction of the house. The extended garage would occupy a significant part of the rear garden and be near the common boundaries with the neighbouring properties at Nos 55 and 57 Church Lane. Moreover its roof form would add significantly to the scale and mass of the existing building resulting in a structure that would be substantially larger than other outbuildings that are found within the area. As a result, it would appear obtrusive and negatively contrast with the pattern of built development along Church Lane. This is predominantly defined by long gardens with small outbuildings of a domestic scale that are subservient to the dwellings they serve and are of a complementary design.
9. The proposed development would not be clearly visible when viewed from Church Lane. However, it would be visible from neighbouring properties in Church Lane and Ruffs Furze. The extension of the existing garage would result in a significant increase in the area of the roof, with large flat areas occupied by photovoltaic panels, and steeply pitched roofs to the elevations facing towards the common boundaries with Nos 55, 57 Church Lane. As a result, it would appear as a cumbersome structure when viewed from neighbouring properties.
10. The proposed extension would not be visible from the ground floor and garden of No 100 Ruffs Furze.
11. Nonetheless, when viewed from rear gardens of Nos 55 and 57 Church Lane, the proposed development would appear as a prominent large building that would dominate the rear garden of the appeal site and have a detrimental visual impact on the wider area. Whilst I accept that the situation is tempered to some extent by the existing trees, and fencing, the proposed development would be of a substantial and solid construction, and the trees may be felled in the future. Moreover, even with the trees I find harm.
12. In the light of the above, I conclude that the proposal would result in harm to the character and appearance of the surrounding area, contrary to Policies 28, 29 and 30 of the Bedford Borough Local Plan 2030 (LP) which require developments, amongst other matters, to be of high quality design in terms of scale, massing, height, and layout, whilst promoting local distinctiveness and forming a positive relationship with the surrounding area. This is consistent with the design aims of the Framework as set out within Chapter 12.

Living conditions

13. The proposal would lie to the rear of the bungalows at Nos 55 and 57 Church Lane and would be visible from the windows in the rear elevation of these properties, including from the first floor level. However, I find that existing outbuildings at nos 55 and 57 Church Lane would limit the impact of the proposed development when viewed from these properties. Consequently, it would not adversely affect the internal living conditions of the occupiers. Nonetheless, it would be readily visible from within the rear gardens of these

properties. Therefore, although the roof of the proposal would slope away from the common boundaries, I find that its location close to the boundary, scale and mass would result in a prominent and intrusive building that would appear overbearing and have a significantly adverse impact on the enjoyment of the rear gardens of Nos 55 and 57 Church Lane.

14. In light of the foregoing, I conclude that the proposal would harm the living conditions of the occupiers of neighbouring properties when utilising their gardens, contrary to Policy 32 of the LP, and the Framework, which jointly seek to secure a high standard of amenity for existing and future occupiers.

Other Matters

15. I acknowledge that the Council has granted a Lawful Development Certificate¹ in relation to a building that could be built at the appeal site under Class E of the GPDO. The details provided illustrate a building having a greater floor area than the appeal proposal but set in from the common boundaries with Nos 55 and 57. It would have a different roof design and a lower ridge height. This scheme is therefore not directly comparable to the proposal before me. Consequently, the availability of this fall-back position does not alter the conclusions that I have reached in respect of the main issues.
16. I am aware of the letters in support of the proposed development from existing neighbouring residents. However, I must consider the planning merits of the case and determine the appeal on the basis of both existing and future neighbours, with specific reference to the impact the proposed development would have on their enjoyment of the gardens when sitting out.

Conclusion and Recommendation

17. For the reasons given above and having regard to all other matters raised, there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan. I recommend that the appeal should be dismissed.

J Gunn

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 the appeal is dismissed.

L Nurser

INSPECTOR

¹ 11/01986/LDP