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# Appeal Decision

Site Visit made on 26 May 2021

**by William Cooper BA (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 June 2021**

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**Appeal Ref: APP/K0235/D/20/3262763**

**11 Ouse Road, Bedford MK41 9LE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mrs Kate Harpin against the decision of Bedford Borough Council.
  - The application Ref: 20/01658/FULL, dated 30 July 2020, was refused by notice dated 5 November 2020.
  - The development proposed is erection of a single storey rear extension.
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## Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 11 Ouse Road, Bedford, MK41 9LE in accordance with the terms of the application, Ref: 20/01658/FULL, dated 30 July 2020, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: OUS-TUR-ZZ-XX-DR-A-00-100 Revision A Block Plans 01 and 02 - Existing and Proposed; OUS-TUR-ZZ-XX-DR-A-10-100 Revision A Existing and Proposed Elevations and Plans 01 to 12.
  - 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.

## Main Issue

2. The main issue in this case is the effect of the proposed development on the living conditions of neighbouring occupiers of No 9 Ouse Road, with particular regard to loss of light and outlook.

## Reasons

3. The host building is one of a pair of semi-detached two-storey dwellings, of brick, render and slate construction. Each dwelling has a single storey outrigger with a mono-pitch roof that slopes down from the core of the building. The proposal is for a single storey extension to wrap around the rear and part of the western side face of the host building.
4. The proposal would introduce a rear extension of a larger scale, footprint and height than existing. This would lose the rear symmetry of the semi-detached pair. The Council is concerned that in combination with the existing single

storey outshot to the rear of No 9, this would have an adverse 'tunnelling' effect on the rear of this adjoining property.

5. However, the following combination of assimilating factors would help avoid harmful loss of light and outlook to the neighbouring dwelling at No 9.
6. The experience of the pair of properties as being set within relatively spacious south-facing rectangular rear gardens would endure. This orientation, together with the single storey, pitched profile of the proposal roof, would help preserve the reasonable receipt of light to the garden and rear elevation of No 9.
7. A combination of various domestic extensions and outbuildings contributes to the character of the locality. The sense of spaciousness of the setting of the properties, as conveyed by the rear gardens and the main extent of separation gaps between pairs of semis in the host row, would endure. Consequently, within the suburban residential context, a reasonable sense of spaciousness and verdancy would be retained, including to the rear of the host pair of properties, including No 9. Together the above would help avoid an overbearing sense of containment and associated adverse impact on outlook from the neighbouring property.
8. The proposal would not meet the '45 degree test' in relation to design code point E6 of the Bedford Borough Council Design Guidance Residential Extensions, New Dwellings & Small Infill Developments (2000) (DG). That said the DG allows for the possibility of proposals to do this where specific circumstances avoid a light problem. In this case, the assimilating factors 'on the ground' would avoid such a problem. As the proposal would not have an overbearing impact on another property, it would not conflict with design code point E6 of the DG.
9. In conclusion, the proposal would not harm the living conditions of occupiers of No 9 Ouse Road, in respect of light and outlook. As such, the proposal would not conflict with Policies 29 and 30 of the Bedford Borough Local Plan 2030 (2020) (LP). Together the policies seek to ensure that development is of sufficient design quality to assimilate satisfactorily within its context, in order, among other things, to safeguard the living conditions of residents.
10. Policies 31 and 32 of the LP together focus on access impacts, disturbance and pollution and are not engaged in this instance.

### **Conditions**

11. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. A condition covering materials is necessary in the interests of safeguarding the character and appearance of the area.

### **Conclusion**

12. The proposed development would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

*William Cooper*

INSPECTOR