



Appeal Decision

Site visit made on 27 July 2021

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2021

Appeal Ref: APP/K0235/D/20/3265781

34 Church Walk, Kempstone, Bedford, MK42 7BH

- 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 Shah against the decision of Bedford Borough Council.
 - The application Ref 20/01691/FUL, dated 3 August 2020, was refused by notice dated 29 October 2020.
 - The development proposed is single and 2 storey front side and rear extensions with new security railing to front wall, height to match existing gates.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. In my opinion, the revised document does not materially alter the policy context in relation to the main issues and, in reaching my decision, it was not necessary to seek comments from the main parties.

Main Issues

3. These are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the occupants of the neighbouring dwelling at number 35 Church Walk (number 35), with particular regard to outlook; and
 - The effect of the proposal on flood risk.

Reasons

Character and Appearance

4. The appeal property is a detached 1.5 storey dwelling, which is situated within a row of residential properties on the northern side of Church Walk. Dwellings along Church Walk vary in terms of their age, size and appearance, although the appeal property is distinctive insofar that it occupies a wider plot and the dwelling is set-back further from the road in comparison to the other dwellings. In some respects, it is more conspicuous for this reason.
5. The proposal is to extend the dwelling by erecting single and two-storey front rear and side additions. The development would also include a first-floor

terrace at the rear and new boundary railings at the front. The proposal would increase the highest point of the roof by approximately 1.8m across most of its extended width.

6. Policies 29 and 30 of the Bedford Borough Local Plan (LP) seek to ensure that new developments be of good design and high quality. In addition, the Council's guidance contained in the document Residential Extensions, New Dwellings and Small Infill Developments (SPG) states (amongst other things) that extensions should harmonise with the street or its setting. I consider the policies and SPG to accord with the provisions of paragraph 130 of the Framework, which requires developments to be visually attractive and sympathetic to local character.
7. Although the area contains an eclectic mix of house types, the proposed extensions would add significantly to the height, bulk and mass of the building. Because of this, it would be at odds with its surroundings and appear out of context in the streetscene, notwithstanding its distance from the road frontage. Consequently, I consider that the proposal would conflict with the Councils LP, SPG and with the Framework, as referred to above.

Living Conditions

8. Policy 30 of the LP states (amongst other things) that particular attention should be given to the massing and height of development. The Council's SPG also advises that extensions should not have an overbearing effect on another property because of its scale, massing and proximity.
9. The appeal property has a somewhat unusual physical relationship with the neighbouring dwelling at number 35, due to the irregular shape of number 35 and its garden and the position of first-floor windows that face towards the garden of the appeal dwelling. In reaching my decision, I have taken into account the fact that one of the affected rooms has obscure glazing and another (bedroom) contains other windows serving the room. I also accept that there would be no significant loss of natural light.
10. Whilst the outlook from the bathroom at number 35 would not be affected, the height and bulk and close proximity of the proposed first floor addition on the western side of appellant's property would have an unacceptably overbearing impact on the outlook from the neighbouring bedroom window. In my opinion, it would make the bedroom a less enjoyable room to use and it would have an adverse effect on the living conditions of the occupants.

Flood Risk

11. The appeal site is partly within Flood Zones 2 and 3. At the time of the application, the Council was not satisfied that the proposal would not have an adverse impact on flooding both on and off the site. Policy 92 of the LP states (amongst other things) that new development must assess and mitigate its impact on flood risk. This accords with paragraphs 167 of the Framework.
12. Subsequent to the Council's decision, the appellant has commissioned a flood risk assessment (FRA), which has been submitted as part of this appeal. The FRA concludes that the proposal does not pose a greater risk than the existing dwelling, subject to measures including electrical sockets and services being at least 600mm above the ground floor level and the occupants continuing to sign up to the Environment Agency's Flood Warning System. I have no reason to

doubt the conclusion reached by the appellant's consultant and, therefore, I do not find against the proposal on this issue.

Conclusion

13. For the reasons given above in relation to character and appearance and living conditions, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR