
Appeal Decision

Site Visit made on 7 September 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal Ref: APP/K0235/D/21/3271551

83 Risborough Road, Bedford MK41 9QR

- 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 & Mrs Sheikh against the decision of Bedford Borough Council.
 - The application Ref 20/02441/FUL, dated 20 October 2020, was refused by notice dated 16 February 2021.
 - The development proposed is described as '2-storey side and rear extensions with porch and single storey rear extension.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021. In relation to the main issue of this appeal, the approach taken in the revised Framework is consistent with the previous version. As such, it is not necessary to seek any additional representations from the parties and neither party has been prejudiced by this approach.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area.

Reasons

4. The host property is a two-storey property, which has a semi-detached appearance. The property includes an existing single storey flat-roof garage, which is directly adjacent to the neighbouring property at 85 Risborough Road (No 85). No 85 includes a two-storey side extension which slopes down from the eaves and extends up to the boundary with the host property. Given the difference in scale and appearance between these existing extensions, the host property currently retains a semi-detached appearance.
5. Whilst there is some variation in the appearance of properties in the surrounding area, the majority of residential properties on Risborough Road have a semi-detached appearance, with relatively evenly spaced gaps between properties, particularly at first floor level. There are many examples of side extensions in the surrounding area, some of which adjoin with neighbouring side extensions. However, the vast majority of these extensions are single storey, many comprising garages.

6. The proposed development includes a two-storey side extension, which would slope down from the existing eaves height of the host property. The scale of the extension would match that of the extension at No 85. When perceived from the street, the proposed development would significantly reduce the visual gap between these properties, particularly at first floor level. This would result in a continuous terraced appearance, visually amalgamating the two pairs of semi-detached dwellings. This appearance would significantly jar with the prevailing character and appearance of development in the surrounding area. The architectural style of the proposed development would not exactly match that of No 85, but I do not consider that this asymmetrical appearance adds to the harm in this instance.
7. Within the surrounding area, there are very few instances where two adjacent neighbouring properties include two storey side extensions, as is proposed in this case. Where there are examples of similar forms of development, these are sporadic. In this regard, I do not consider them to form the prevailing character on this part of Risborough Road. The appellants have provided various examples of such development. However, the specific circumstances within which these extensions were granted consent, if at all, are not before me. In any event, every case should be treated on its own merits having regard to the site-specific circumstances. As such, this consideration does not outweigh my findings in relation to the visual harm which would be caused by the proposed development.
8. The proposed development would be harmful to the character and appearance of the surrounding area. As such, it would conflict with Local Plan¹ Policies 29 and 30, which require in part that developments contribute positively to the character of the surrounding area and take account of principles of high-quality design, respectively. The policy text of Policy 30 does not suggest that it is not applicable to residential extensions.
9. Design Code E3 of the Design Guide² (2000) states in part that in tightly developed areas with minimal gaps between houses, two storey extensions should be at least 1.5m from any side boundary. In this case, the surrounding area is tightly developed, with consistent gaps between the majority of properties. Given that the neighbouring property at No 85 has been extended up to the boundary, the existing gap is 'minimal'. As such, the 1.5m parameter is applicable in this instance and the proposed development would not comply with this requirement.
10. More generally, the Design Guide states that cramped and out of character extensions will not be approved. The fact that the Design Guide pre-dates the Local Plan and the Framework does not mean that it is out of date. Framework Paragraphs 126 to 129 emphasise the role and importance of design guides and codes in providing detailed design guidance. Furthermore, Design Code E3 is consistent with Framework Paragraph 130(c), which seeks to ensure that development is in keeping with local character. The wording of Design Code E3 is not so prescriptive that it would be inconsistent with this broad approach and it allows a degree of flexibility in considering 'tightly developed areas' and 'minimal gaps'. As such, I afford significant weight to the conflict with this guidance.

¹ Bedford Borough Local Plan 2030 (January 2020)

² Design Guidance – Residential Extensions, New Dwellings & Small Infill Developments (2020)

Other Matters

11. I acknowledge that the Pandemic has resulted in more people working from home and I accept that this development would increase the amount of living space to address these changing circumstances. However, in this instance the design of the development, when perceived from the street scene, would be unnecessarily harmful to the character and appearance of the surrounding area. As such this consideration does not outweigh the harm caused by the development.
12. There would be some benefits in terms of support for construction jobs but these would be temporary and limited given the small scale of the development. As such, these benefits are of minimal weight and they do not outweigh the harm which would be caused. In addition, I do not accept the appellants' assertion that the need to relocate elsewhere would result in more harm to the environment, as there is no reason why this would necessitate the construction of a new dwelling.
13. The appellants have suggested that the extension at No 85 indicates a 'first come first serve' approach and that the planning permission in that case relied on the openness provided by the host property. Whether or not this is the case, this appeal must be considered on its own merits and on the basis of the effect it would have on the character of the surrounding area. To this extent, the fact that the neighbouring property has been extended in a similar manner does not justify the significant visual harm which the development would cause.
14. The appellants have asserted that permitted development rights exist for a two-storey side extension, which they say, could be within 2 metres of the boundary. However, no specific part of the Town and Country (General Permitted Development) Order 1995 (as amended) (GPDO) has been referred to and no evidence has been provided to demonstrate that permitted development rights are applicable in this instance. Given that it has not been demonstrated that there is a realistic prospect of this 'fallback' development being implemented, I afford it little weight as a consideration.
15. Even if I were to afford the fallback position greater weight, the appellants' representations suggest that such an extension would not extend as far up to the boundary as the currently proposed development. The proposed development would therefore be likely to have a materially more harmful effect in creating a terraced appearance than the fallback development. For these reasons, this consideration does not outweigh my findings in relation to the visual harm which would be caused.

Conclusion

16. For the reasons given above, the proposed development would conflict with the development plan taken as a whole. Having taken into account all other matters raised, I conclude that the appeal should be dismissed.

Luke Simpson

INSPECTOR