



Appeal Decision

Site Visit made on 13 September 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/P0240/D/21/3267541

16 Stanley Road, Streatley LU3 3PW

- 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 Ravi Shah against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/03669/FULL, dated 12 October 2020, was refused by notice dated 20 January 2021.
 - The development is installation of steel railings around a roof terrace to the rear of the dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has questioned whether the proposal requires planning permission. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990.
3. At the time of the site visit I noted that the development has been completed. The application has been submitted retrospectively and I have dealt with the appeal on this basis.
4. The Central Bedfordshire Local Plan 2015-2035 (LP) has been adopted since the appeal was submitted. Policies BE8 and H8 of the South Bedfordshire Local Plan (2004) have been superseded by Policy HQ1 of the new LP. The aims of both sets of policies are similar and I am satisfied that no interested party has been prejudiced by this change of policy.
5. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. My decision is made in the context of the revised Framework and I am satisfied that no interested party has been prejudiced by my approach.

Main Issues

6. The main issues are:
 - The effect of the development upon the character and appearance of the host property and area; and
 - The effect of the development upon the living conditions of existing neighbouring occupants with regard to privacy.

Reasons

Character and appearance

7. The appeal property comprises a semi-detached bungalow located within a residential road and within Green Belt. To the rear is a large flat roofed single storey rear extension enclosed by railings and accessed via doors from a bedroom in the loft space.
8. A number of properties have been altered including through rear extensions providing a degree of design variety to the area. No 14 benefits from a hipped roof rear extension. Extensions at No 18 include a predominantly glazed conservatory.
9. I acknowledge that there are no other balconies to the rear of dwellings and there is no doubt that it alters the appearance of the host property. However, I find that it does not unduly harm its appearance as the railings have a simple design and appearance. Moreover, the railings are reflective of the design variety at the back of houses in the road.
10. I conclude that the development does not unduly affect the character and appearance of the host property or area. It accords with Part 2 of LP Policy HQ1 which requires new development to relate well to existing local surroundings and reinforce local distinctiveness, both built and natural. It would also accord with the Framework, which amongst other things, seeks to ensure that developments are sympathetic to local character.

Living conditions of existing occupiers

11. The roof terrace on account of its elevated position and size affords direct views into the conservatory at No 18 as well as its garden and direct overlooking of almost the entire rear garden of No 14. This results in a significant and unacceptable loss of privacy for the existing occupiers of these dwellings.
12. I conclude that the development adversely affects the living conditions of neighbouring occupiers with regard to overlooking and a loss of privacy contrary to Part 11 of LP Policy HQ1, which seeks to ensure that development proposals do not result in an unacceptable adverse impact upon nearby or permitted uses, including on amenity and privacy.
13. It would also be contrary to the Framework which, amongst other things, seeks to ensure that developments have a high standard of amenity for existing users.

Conclusion

14. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR