



Appeal Decision

Site visit made on 18 November 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th November 2021

Appeal Ref: APP/P0240/D/21/3275888

25 Rushbrook Close, Ampthill MK45 2XE

- 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 David Schofield against the decision of Central Bedfordshire Council.
 - The application Ref CB/21/00961/Full, dated 3 March 2021, was refused by notice dated 5 May 2021.
 - The development proposed is Two storey side and rear extensions.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has confirmed that the policies from the Core Strategy and Development Management Policies (2009) referred to in the Decision Notice have been superseded by policies from The Central Bedfordshire Plan 2015-2035 (Adopted 22 July 2021) (LP). Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. In the case of this appeal, the Council has suggested that Policy HQ1 is now the policy relevant to the determination of the appeal. The appellant is aware of the policy and has commented on its relevance to the appeal.
3. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced any party, particularly as the revisions do not alter the policies upon which this appeal turns.
4. The Decision Notice (DN) only refers to the effect of the proposed development on 40 and 42 Verne Drive, but the Officer Report (OR) also refers to No 36. Similarly, the OR suggests that concerns regarding outlook from the appeal property do not form a separate reason for refusal, but such concerns are identified on the DN in a joint reason for refusal regarding living conditions. Given that the appellant has addressed both matters in his statement of case, he would not be inconvenienced by me also doing so in my decision.

Main Issues

5. The main issues are:
 - the effect of the proposed two-storey side extension on the living conditions of the occupiers of 36, 40 and 42 Verne Drive and the appeal property, with regard to outlook; and

- the effect of the proposed development on the character and appearance of the site and its surroundings.

Living conditions

6. The Council granted planning permission earlier this year for a single storey side and part single and two storey rear extensions¹. The proposal is to add first floor accommodation above the approved side extension, reconfiguring the internal layout of the house to increase the size of Bedrooms 3 and 4.
7. The proposed windows for Bedroom 4 of the appeal property would primarily be obscure glazed, apart from the top opening light, which would be situated above 1.7m. As visibility from those windows would be at a high level and above the horizontal, occupiers of that bedroom would be likely to experience an uncomfortable sense of enclosure and restrained outlook from the room. This would set the appeal scheme apart from the approved scheme, in which alternative outlook would be retained for Bedroom 4 from an existing window.
8. The appeal property sits lower down than the houses in Verne Close and its garden slopes up to the boundary between. The proposed side extension would be constructed with identical floor levels to the existing house, so it would be partly set into the slope, as shown on the application drawings. It would also be set back from the front of the house and its ridgeline down from the principal ridge of the house. The orientation of the existing house means that the extension would angle away from the boundary to the northwest.
9. Given these factors, the proposed side extension would be unlikely to be harmful to the occupiers of No 36, particularly as it would be a sufficient distance from the boundary of that property to protect from its scale and height. However, the rear elevation of the side extension would run through to meet the existing. This would bring built development much closer to the gardens of Nos 40 and 42 adjacent. While I note that the boundary enclosure for No 42 includes some trees, when these would not be in leaf, the scale and form of the side extension would appear oppressive when viewed from the gardens of both properties.
10. Permitted development criteria, set out within the Order², require new windows on side elevations to be obscure glazed and non-opening. However, the concerns I have identified above relate to rear-facing windows a scheme for which permission is sought, so I have given limited weight to this argument.
11. For the above reasons, I conclude that the outlook from Bedroom 4 of the appeal property would be inadequate and the proposed side extension would appear oppressive in outlook from the gardens of 40 and 42 Verne Drive. It would therefore have an unacceptable adverse effect on the living conditions of the occupiers of those properties. Hence, the proposed development would conflict with the expectations for living conditions as expressed in Policy HQ1 of the LP, the Central Bedfordshire Design Guide, and the Framework.

Character and appearance

12. The appeal property is situated in a part of Rushbrook Close where houses are arranged around a hammerhead. While the plots vary in size and shape,

¹ Planning Reference: CB/20/03277/FULL.

² The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Nos 25 and 31 are in the corners and benefit from relatively large plots in comparison to their neighbours. The arrangement of the houses and their gardens is therefore spacious, which makes a positive contribution to the character and appearance of the site and its surroundings, particularly where visible from neighbouring land and buildings.

13. The proposed extensions would be likely to be visible from those properties but, cumulatively, their scale, form, and appearance would be appropriate in the context of the design and plot characteristics of the existing house. In particular, the extensions would be set down of the roof of the main house and, in the case of the side extension, a reasonable distance back of the front of the house. The scale and form of the original house would therefore still be apparent with the proposed extensions and not be overwhelmed by them.
14. While the parts of the garden immediately surrounding the house would be occupied by the proposal, space would remain around the resultant building to the side and rear and a significant area of garden to the northwest. The proposal would therefore not appear cramped within the site and the spacious arrangement of the properties would still be appreciable when viewed from neighbouring land and buildings.
15. In light of the above, I conclude that the proposed development would not have a harmful effect on the character and appearance of the site and its surroundings. Hence, the proposal would accord with the design aims of Policy HQ1 of the LP and the Framework.

Other Matters

16. I am mindful that the approved scheme, granted earlier this year, included the part single and two storey rear extension and a single storey extension to replace a bay window at the front of the house. Were I to allow those elements of the appeal scheme, the practical effect of this would be that a new planning permission would be created for those elements, which would be subject to separate conditions. The original planning permission would remain unaffected, with the appellant having choice over which permission to implement. Notwithstanding this, as those extensions are identical in the appeal scheme, there would be no beneficial outcome from allowing permission for them.

Conclusion

17. For the reasons given above, I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR