
Appeal Decision

Site visit made on 14 December 2021

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday 20 December 2021

Appeal Ref: APP/K0235/D/21/3277189

7 Wingfield Close, Bedford MK40 4PB

- 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 Z Hussain against the decision of Bedford Borough Council.
 - The application Ref 21/00789/FUL, dated 16 March 2021, was refused by notice dated 11 May 2021.
 - The development proposed is one and two storey side and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a one and two storey side and rear extension at 7 Wingfield Close, Bedford MK40 4PB in accordance with the terms of the application, Ref 21/00789/FUL, dated 16 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: No. A896-1B received 17 March 2021.
 - 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.
 - 4) The bathroom window in the south facing elevation at first floor level shall contain no means of opening (unless any opening part of the window is at least 1.7 metres above the finished floor level of the room it serves) and the glass shall be an obscure glazed type at least level 3 glass as defined in the 'Pilkington Textured Glass Range'. The window as inserted in accordance with those requirements shall be retained.

Main Issue

2. The main issue is the effect of the proposed single and two storey rear extension on the living conditions of the occupiers of the neighbouring property at No. 9 Wingfield Close with particular regard to overshadowing and outlook.

Reasons

3. The appeal property is a two storey semi-detached dwelling located in a mature well-established residential cul-de-sac.

4. The appeal site has an extensive planning history relating to proposals to extend the property, including prior approval for a 6m single storey rear extension approved in 2020¹. The proposal would entail the construction of a single storey rear extension with a flat roof and two storey side/rear extension that would project out about 3.5m from the south-east corner of the host property. The two storey extension would be set in from the side and rear elevation of the extended house and stepped down below the ridge of the host property with a hipped crowned tiled roof.
5. The proposed single and two storey rear extension would be located adjacent to the two storey property at No. 9 Wingfield (No. 9) to the north of the site. The adjoining property at No. 9 has a small single storey rear extension leading out to a small patio area and enclosed garden area at the rear. The proposed single storey rear extension would project out about 6.0m along the common shared boundary with No. 9 and would be separated from the rooms and garden at the rear of the adjacent property by a high close boarded fence running between the properties.
6. I have considered the appellant's statement on the fall-back position on the appeal site and the appellant's options to build the single storey rear extension approved under prior approval by the Council. Based on the evidence before me, there is a reasonable likelihood that the single storey rear extension would be built if this appeal is dismissed. However, I judge that the proposed fall-back development would have a more limited impact, albeit of a marginal basis, on the living conditions of the occupiers of No. 9 as compared to the appeal proposal now before me and as such is a material consideration to which I can attach moderate weight in making this decision.
7. Whilst I accept that there would be some impact from the proposed single and two storey rear extension, given the modest overall scale, design and layout of the rear extension, together with the boundary treatment, the separation distance between the properties and the orientation of the buildings, I consider that the single and two storey rear extension, set in and stepped down, would not result in significant overshadowing to the main habitable rooms and garden/patio area at the rear of No. 9, nor significantly dominate the views to cause an overbearing effect and an unacceptable sense of enclosure at the rear of No. 9. The outlook at the rear of No. 9 is already toward the high boundary fence and extension at the rear of No. 9 and the appeal site would be separated by the garden area at the rear of No. 9.
8. Consequently, I conclude that the proposed single and two storey rear extension would not result in an unacceptable impact on the living conditions of the occupiers of the neighbouring property at No. 9 Wingfield Close with particular regard to overshadowing and outlook. It would be consistent with the overall aims of Policy 32 (i and iv) of the Bedford Borough Local Plan 2020 and Design Code E7 of the Council's Residential Extensions, New Dwellings and Small Infill Developments Supplementary Design Guidance 2000. This policy and guidance, amongst other things, seek to ensure that all developments, including extensions, minimise and take account of the effects of pollution and disturbance and do not have an overbearing effect on neighbouring property.

¹ 20/00999/PN

Conditions

9. Having regard to the National Planning Policy Framework, and in particular paragraph 56, I have considered the conditions suggested by the Council. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. In order to protect the character of the area and safeguard the amenities of the nearby residents, I have imposed conditions requiring matching external materials and the use of an obscured glazed and non-opening bathroom window below a height of 1.7 metres taken from internal finished floor level on the south-facing side elevation at first floor level.

Conclusion

10. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR