



Appeal Decision

Site visit made on 25 January 2022

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2022.

Appeal Ref: APP/K0235/D/21/3284531 283 Hillgrounds Road, Bedford MK42 8TH.

- 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 Maiyaganam Srjharan against the decision of Bedford Borough Council.
 - The application 21/01831/FUL, dated 19 June 2021, was refused by notice dated 13 August 2021.
 - The development proposed is two storey rear extension and complete refiguration of first floor.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site visit for this appeal was booked as one where access to the site was required. However, at the time of the visit nobody was present at the property. Nevertheless, given the nature of the site as a corner plot and the topography in the vicinity, particularly the elevated view of the property from further up Prentice Gardens and from the rear public footpath, it was possible to fully assess the proposals without accessing the site. The appellant was asked to confirm that he was happy for the appeal to proceed to determination but has not responded.

Main Issues

3. The main issues are whether the proposed development would have a detrimental impact on:
 - The character and appearance of the host dwelling and its surroundings on Hillgrounds Road and
 - The living conditions of present and future occupants of No 285 Hillgrounds Road in terms of loss of privacy.

Reasons

Character and Appearance

4. The appeal site sits on the south side of Hillgrounds Road on a corner plot slightly elevated above the junction with Prentice Gardens. The character of this area is generally one of larger, detached, residential properties, most of them a full two storeys in height, built in buff coloured brick and tile, although No 283 has been designed as a large, chalet bungalow with rooms in the roof space.
5. The roof design in Hillgrounds Road is generally one of gabled roofs although in respect of the appeal property the roof on the east side adjacent to No 285 is

hipped. In the proposed front elevation this hip is shown retained but in the proposed rear elevation is shown converted to a gabled end. It is therefore unclear what the intention is and, if I were to allow the appeal, this would need to be clarified.

6. The proposal raises the main roof to accommodate a full first floor lit by windows rather than rooflights. The increase in height of the main roof proposed would not of itself be problematic in terms of character and appearance given the two storey design of surrounding houses and the relative heights of No 285 and the houses on the west side of Prentice Gardens. The increase in the ridge height would remain in scale with the height of surrounding development and, in views from east and west on Hillgrounds Road, it would not appear out of scale.
7. However, the same would not be true of the scale, bulk and mass of the two storey rear extension. The width of the proposed extension would be over two thirds the width of the original house overlapping the face of the existing rear facing gable and in height extending up to the same height as the proposed raised ridge. There has been no attempt to ensure the design would be subservient to the main house by restricting the width and height of the extension. Whilst it has been put to me that the proposal is reduced in height compared to the original application, the current proposal would result in a rear extension that would be out of scale, and obtrusive in views of the house from higher up Prentice Gardens and detrimental to the character and appearance of the original house. Moreover, the width, form and design of the extension would be out of keeping with the prevailing form of gabled offshoots in the estate. In what would be a highly visible location it would appear oppressive viewed from immediately below the house on Prentice Gardens.
8. The *National Planning Policy Framework* (the Framework) at paragraph 130 requires that developments must be sympathetic to local character to create high quality buildings and spaces amongst other things and at paragraph 134 that development that is not well designed should be refused. Policies 28S and 29 of the *Bedford Borough Local Plan* (BBLP), on place making and design quality respectively, reflect the Framework in requiring high quality design that integrates with and complements the character of the area and takes opportunities to enhance that character. In addition, BBLP Policy 30 in requiring development to be designed to contribute to townscape and landscape qualities and to be compatible with the scale, massing, height, layout and materials of the context in which it sits is also consistent with the Framework. For the reasons above the proposed extension to the property would be disruptive to the scale and form of the original building and detrimental to its character and appearance and the character of its surroundings as a result of poor design and would therefore be in conflict with these BBLP policies and the Framework.

Living Conditions

9. The current relationship between No 283 and its neighbour to the east at No 285 Hillgrounds Road does not involve any overlooking as there are no upper windows in No 283 to the rear, only rooflights. The effect of the appeal proposal would be to introduce an upstairs rear facing bedroom window (Bedroom 2 on the plans) and a full-length balcony to the new first floor rear extension. From both of these viewpoints there would be significant overlooking of the rear garden of No 285. The Council has introduced the *Residential Extensions, New Dwellings and Small Infill Developments Guidance* (RENDSID) to advise on design matters and Design Code E5 on extensions advises that there should be a minimum distance of 9 metres between a principal window in an extension and a side boundary to

maintain privacy. The balcony would be around 5.5 metres from the boundary and the window to the second bedroom even closer.

10. It has been put to me that the appellant would be prepared to revise the plans to delete the full-length balcony if the appeal were to be allowed. However, I must determine the appeal on the basis of what is before me. There has been no revision to the plans submitted and, in any event, even if the balcony were to be removed there would still be the opportunity for significant overlooking of the rear garden area of No 285 at close quarters from the proposed second bedroom.
11. As such the proposal would have a detrimental effect on the living conditions of present and future occupiers of No 285 contrary to the Framework at paragraph 130 which requires development to achieve a high standard of amenity for existing and future users. It would also conflict with BBLP Policy 32 which seeks to control the impact of development in terms of disturbance to neighbours from overlooking amongst other things.

Other Matters

12. I have had regard to the Public Sector Equality Duty contained in the Equality Act 2010 and I understand the appellants' wish to achieve additional accommodation through the extension and in that way make sustainable and effective use of housing land, an objective which is encouraged by the Framework in Section 11. However, paragraph 124 in the same section of the Framework states that this should not be at the expense of maintaining an area's prevailing character and setting. As such, sustainable and effective use of the dwelling would not, of itself, outweigh the harm to the character and appearance of the original dwelling and Hillgrounds Road as a result of the proposal nor would it outweigh the detrimental impact of the extension on the privacy of the occupants of No 285 when using their garden.

Conclusion

13. In reaching my decision I have had regard to the matters before me and for the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR