



Appeal Decision

Site visit made on 19 February 2022

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 9th March 2022

Appeal Ref: APP/K0235/D/22/3290053

8 Robinson Close, Wootton BEDFORD MK43 9AG

- 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 and Mrs Wilks against the decision of Bedford Borough Council.
 - The application Ref: 21/02117/FUL, dated 28 July 2021, was refused by notice dated 25 October 2021.
 - The development proposed is first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed rear extension on living conditions of neighbouring users.

Reasons

3. Robinson Close forms part of a recently constructed area of largely two-storey housing planned to optimise use of land whilst providing a satisfactory living environment. Private amenity space for such dwellings is generally no larger than is compatible with the objectives of privacy and in this case appear to closely follow the minima set out by the development plan; in that regard it is noted that permitted development rights were removed on the original grant of permission. Where interrelationships between dwellings have been carefully considered in the original layout, sensitivity to change can be high and significant weight should be attached to impacts on privacy.
4. The appellant raises an issue of consistency in the Council's approach specifically by reference to development at 6 Robinson Close where a two-storey rear extension was permitted in circumstances similar to those of this appeal. I am not able to verify the dimensions given in justification of the case being made and it is not before me to consider the reasons for any discrepancy between guidance and as-built spacing between existing dwellings or boundaries. However, I note that the dimension given in the appellant's Appendix 3 appears to show a separation distance between No.6 and what appears to be the conservatory of 60 Folkes Road (which cannot overlook) rather than the two-storey part of that dwelling which is at a greater distance; this undermines the basis of the appellant's position.
5. From my observations it would seem that there would be a similar degree of separation between the adjoining rear-facing properties and comparable garden lengths, nevertheless, even if the appellant were correct, no other

reasons are advanced to justify why the adopted guidance set out in Code E5 of Residential Extensions New Dwellings and Small Infill Development (RENSID) should not be applied in this case.

6. The appellant's submission appears to confirm the proposal would not accord with the required garden length. In the absence of measures to mitigate the overlooking from the proposed upper floor window which would be wider and significantly closer to the boundary than the one it replaces, and having regard to the tightly planned layout of the housing, I conclude that the proposed rear extension would harm both actual and perceived privacy of adjoining users. Consequently, for the reasons explained, the proposal would conflict with policy 32(iv) of the Bedford Borough Local Plan 2030 and the related guidance in RENSID.
7. I have also considered that the proposal would provide additional living accommodation but this does not change my overall conclusion that, taking all matters raised into account, the proposal would not accord with the development plan taken as a whole and therefore that the appeal must fail.

Andrew Boughton

INSPECTOR