



Appeal Decision

Site visit undertaken on 4 April 2022

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 05 May 2022

Appeal Ref: APP/K0235/D/22/3293080

32 Luton Road, Wilstead, Bedford MK45 3EX

- 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 Spurling against the decision of Bedford Borough Council.
 - The application Ref No. 21/02510/FUL, dated 14 September 2021, was refused by notice dated 22 November 2021.
 - The development proposed is described as a single and double storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the living conditions of the existing and future occupiers of No.30 Luton Road as a result of sense of enclosure.

Reasons

3. The appeal property is a semi-detached dwelling which appears to date from the late twentieth century. To the side of the dwelling to the boundary is a small garage with lean-to roof that projects approximately half the depth of the dwelling. The neighbouring property at No.30 Luton Road is a single storey detached dwelling. To the rear of the dwelling is a large conservatory that is constructed in an inverted L-Shape from the rear of the dwelling. Within the L-Shape is a paved area which is utilised for formal sitting and enjoyment of this property and would be directly adjacent the proposed extension.
4. Policy 32 of the Bedford Borough Local Plan 2030 (LP) seeks that new development have regard to the factors that give rise to disturbance of neighbours. The Residential Extensions, New Dwellings and Small Infill Developments Design Guidance (DG) supports this policy and at Design Code E7 gives guidance to ensure that the scale, massing, and proximity of extensions is appropriate to avoid impacts as a result of being overbearing.
5. The proposed extension would project 6 metres from the rear façade at ground floor level and project 4.5 metres at the first floor level and would contain a small setback from the shared boundary with No.30. Given the layout of the neighbouring dwelling at No.30, their main area for formal sitting out is enclosed on three sides by the house and conservatory, with the main outlook from the neighbouring dwelling being towards the rear of the appeal site. The proposed two storey flank wall would be a sheer and blank façade and would

be substantial when viewed from the neighbouring garden. I appreciate comments from the applicant's Statement of Case (SoC) that the first floor has been reduced from a previous proposal, however given the site context, would still be a dominant intrusion to the rear of the neighbouring property and No.30. As a result, the proposed extension would be unneighbourly and would cause material detriment to the living conditions enjoyed by the neighbouring dwelling at No.30 Luton Road.

6. I note comments in the applicants SoC that the proposed 6 metre extension would be compliant under the Prior Notification Approval procedure as none of the neighbours objected to the proposed scheme. However, this procedure is not relevant to the scheme at hand given that the assessment involves the consideration of a single and double storey element. I also note reference to the approval at No.32A Luton Road whereby a similar extension has been modelled at the appeal site. Whilst a similar design was acceptable for No.32A, this dwelling would not appear to have the same considerations when it comes to neighbouring impacts to living conditions. As such, the approval of this application is not analogous to the considerations as part of this appeal.
7. Consequently, and in conclusion of this matter, the proposal would cause adverse detriment to the living conditions of the neighbouring property as a result of sense of enclosure and overbearingness of the proposal towards No.30 Luton Road. The proposed scheme would therefore be contrary to LP Policy 32 which is supported by the DG as described previously.
8. I note reference to LP Policy 30(ii) in the Council's Decision Notice as a reason for refusal which is a design led policy which involves an assessment of the quality of development in terms of its design, such as looking at factors of scale, design density, massing, and height, amongst others. The Planning Officer's Report under the section 2.1 Character, Design, Scale and Layout notes that the design of the proposed scheme is subservient with the materials matching the existing. Policy 30(ii) is not a policy concerned with the impact upon living conditions which would appear to be the main concern from the Council. Based on the appeal documents, as the Council appear content with the design of the scheme, this policy is not shown to be relevant to the consideration of living conditions and has not been included within this letter.

Conclusions

9. I conclude that the appeal be dismissed.

J Somers

INSPECTOR