



Appeal Decision

Site visit made on 30 August 2022

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2022

Appeal Ref: APP/K0235/W/22/3296200

Land adjacent 17 Pollards Close, Wilstead, Bedford, Bedfordshire MK45 3HA

- 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 Contessa against the decision of Bedford Borough Council.
 - The application Ref 21/02500/FUL, dated 14 September 2021, was refused by notice dated 10 February 2022.
 - The development proposed is erection of one detached dormer style bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect on the character and appearance of the area.
 - The effect on the living conditions of the occupants of No 20 and No 22 Pollards Close in terms of privacy.

Reasons

Character and Appearance

3. The appeal site is a corner plot location in a residential area which currently houses a decommissioned oil tank building, detached garage and area of grass. Either side of the site are semi-detached single storey bungalows which are characteristic of development on that side of the road. On the opposite side of the road are predominantly 2 storey dwellings. Also opposite the site is All Saints Church.
4. The proposed 1.5 storey property would be taller than the immediate neighbouring properties on the same side of the road as the site. It would also include a dormer on the rear of the building that would cover almost the full width of the roof slope creating a bulky and overbearing appearance. The massing of the roofscape would accentuate the difference in height of the dwelling compared to its closest neighbours. The replication of some design features of other bungalows in the road would not be enough to overcome the harm. Whilst there are 2 storey dwellings in the vicinity, including on the opposite side of the road, it is the properties immediately adjacent to the site

on the same side of the road that have greater influence on the context within which the dwelling would be read.

5. The corner location of the site means that the development would be clearly visible within the street scene. It would be an incongruous addition out of keeping with the design and proportions of the immediate setting. The proposed close boarded fencing would be insufficient to screen the harm given the height and massing of the proposal on the upper floor. Whilst the existing oil tank building does not make a positive contribution to the area, I disagree with the appellant that the proposal would make a vast improvement that would enhance the street scene, for the reasons identified.
6. The appellant has referred to a nearby property with a front and rear dormer in Vicarage Lane in support of their case. I do not think the example cited, which I viewed as part of my site visit, has maintained the character or appearance of the area and therefore cannot be treated as a persuasive precedent for allowing the appeal.
7. The development would harm the character and appearance of the area and as such would conflict with Policies 28S, 29 and 30 of the Bedford Borough Local Plan 2030. Amongst other things it requires new development to be of high quality design, have a positive relationship with the surrounding area, integrate well with and complement the character of the area and give consideration to context in terms of scale, massing and height. It would also conflict with the parts of design code N1 and N2 of the Residential Extensions, New Dwellings and Small Infill Development January 2000 document (design guidance) which requires new development to harmonise with the street and setting and incorporate some of the key characteristics that give a locality its character. Design code 2 also identifies that roofscapes are one of the matters that need careful consideration.

Living Conditions

8. The proposed box dormer would overlook in close proximity the rear garden and patio of No 22 Pollards Close where the residents of the property are likely to sit outside. Whilst the upstairs bedroom window would provide views at an angle, the overlooking would be in unacceptable close proximity and as a consequence would harm the privacy of the occupants of No 22.
9. In the case of No 20, the angles would be more oblique and restricted than in the case of No 22, and no more than would be expected to be found in a residential area. There would therefore be no harm to the occupants of No 20.
10. The appellant has referred to the overlooking relationship between 2 existing properties in the road suggesting that the impact would not be as great in the case of the proposal. I do not have sufficient details of the dwellings in question to enable detailed comparison, such as the rooms served by the windows and distances of separation. In any event, any shortcomings in the living conditions for the occupants of dwellings elsewhere does not justify replication in this case.
11. There would be no harm to the living conditions of the occupants of No 20 Pollards Close but there would be harm to the occupants of No 22 in terms of privacy. The development would therefore conflict with the part of design code N5 in the design guidance which states that where a primary window of a

habitable room directly overlooks another property or garden a privacy distance of 9 metres from the relevant boundary is required.

Other Matters

12. Reference has been made to an extant planning permission which forms a fallback position. However, on the information before me I am of the view that the fallback position would be less harmful than the proposal.
13. The appellant says that box dormers could be built on other properties in the road under permitted development rights. However, there is little before me to indicate that this is likely and nothing to demonstrate that it is technically possible. I therefore give this little weight. My assessment has been based on the current circumstances rather than what might be potentially hypothetically possible.
14. All Saints Church is located close to the site. It is a Grade II* building dating from the 14th Century. The appeal site forms part of the wider setting of the church in an area that has already been developed for a residential purpose. In this context the erection of a single additional house would have no additional impact on how the church would be experienced. The setting of the Listed Building would therefore be preserved.

Conclusion

15. For the reasons identified and taking into account all other matters, including the absence of objections from neighbouring residents, the appeal is dismissed.

K Ford

INSPECTOR