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# Appeal Decision

Site visit made on 29 September 2022

**by D J Barnes MBA BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 October 2022**

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**Appeal Ref: APP/K0235/W/22/3296910**

**24 Aylesbury Road, Bedford MK41 9QZ**

- 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 Hussaine against the decision of Bedford Borough Council.
  - The application Ref 21/02009/FUL, dated 10 July 2021, was refused by notice dated 21 October 2021.
  - The development proposed is the erection of a new bungalow.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. It is considered that the main issues are the effects of the proposed development on (a) character and appearance of the host property and the surrounding area and (b) the living standards of the future occupiers.

## Reasons

3. Planning permission has been granted by the Council for the erection of a 2-bedroom bungalow within the rear garden of 24 Aylesbury Road (Ref 20/01211/FUL). The proposed development is for the erection of a larger 3-bedroom bungalow which would occupy a greater proportion of the host property's garden thereby reducing further the rear amenity space available to the occupiers of No. 24.
4. The appeal site is located within a predominantly residential area comprising a mix of bungalows and 2-storey houses facing the roads. By reason of the verges along the roads and the dwellings being set back from the footways to the rear of gardens which are landscaped and used for parking, the streetscene has a spacious appearance. The Ordnance Survey plan identifies that the dwellings within the surrounding area have reasonable sized rear gardens with No. 24 having one of the largest.
5. Although the principle of subdividing the existing garden has been established, because of the size of the site, the 5 metre depth of the remaining rear amenity space at No. 24 and the size of the proposed bungalow the appeal scheme would appear a cramped form of development which would fail to respect the context within which the site is located, have a positive relationship with the surrounding area and integrate well with, and complement the character of, the residential surrounding area. The limited extent of the proposed amenity areas associated with a 3-bedroom bungalow and the host

property, both of which are of a size capable of accommodating a family, are indicators of the overdevelopment and they fail to respect the size of other gardens within the surrounding area.

6. For these reasons and by the appeal scheme failing to respect its context, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and, as such, there would be a conflict with Policy 28S, 29 and 30 of the Bedford Borough Local Plan (LP). Amongst other matters, these policies require development to have a positive relationship with the surrounding area, integrating well with and complementing the character of the area in which the development is located and taking the opportunities to enhance the character and quality of the area.

#### *Living Standards*

7. Within the rear elevation of No. 24 at first floor level is a habitable room window which has an outlook towards the existing garden. By reason of the siting of the proposed development and the limited depth of the retained garden for No. 24, from this window the occupiers of the host property would be able to directly overlook the private amenity area associated with the proposed bungalow. There would be a lack of privacy for the future occupiers of the proposed bungalow causing unacceptable harm to their living standards. This concern would not be as great for the approved scheme because the depth of the retained garden for No. 24 is greater.
8. On this issue it is concluded that the proposed development would not result in satisfactory living standards for the future occupiers and, as such, it would conflict with LP Policy 32 which refers to overlooking as a factor which might give rise to disturbance.

#### *Other Matters*

9. The appellant has referred to other developments in the surrounding area which support the appeal scheme. However, the detailed planning circumstances of these other schemes have not been provided and this matter only carries limited weight in the determination of this appeal. Accordingly, and for the reasons given, it is concluded that this appeal should be dismissed.

*D J Barnes*

INSPECTOR