



Appeal Decision

Site visit made on 1 November 2022

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th December 2022

Appeal Ref: APP/K0235/D/22/3299778

1 Osprey Close, Kemlston, Bedford, Bedfordshire MK42 7TH

- 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 M R Mal against the decision of Bedford Borough Council.
 - The application Ref 22/00505/FUL, dated 25 February 2022, was refused by notice dated 5 May 2022.
 - The development proposed is a two storey front/side extension and creation of additional parking area.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on i) the character and appearance of the area; and ii) the living conditions of the occupiers of 35 Naylor Avenue (No 35), having regard to outlook and light.

Reasons

Character and appearance

3. The host dwelling is a modern detached two storey dwelling located in a residential area made up of similar properties of varying designs. It occupies a corner plot at the entrance to a cul-de-sac with a footprint set at an oblique angle to the highway. The majority of properties forming the street scene have well planned intervening spacious gaps as noticeable characteristics.
4. I note the adjoining properties to the rear of the site in Naylor Avenue are set back a similar distance from the road, which forms a strong and consistent front building line. The front corner of 1 Osprey Close which is closest to the road, is a similar distance from the road and reflects this layout. This creates a sense of uniformity and contributes positively to the pleasant open character of the street scape on this side of the road, despite the presence of the boundary wall.
5. The proposed two storey extension would replace an existing narrower two storey element with a lower ridge height and set back at first floor level to the side of the appeal property. As a consequence of the height, scale and design of the extension, with a ridge the same height as the main dwelling and a two storey projecting gable to the front elevation, it would appear as an unduly dominant and incongruous addition. Moreover, it would unbalance the well

matched proportions of the existing dwelling relative to the plot space as a characteristic shared with a number of properties in the immediate vicinity.

6. The scale of the development and siting on a prominent corner plot, would be a visually intrusive and discordant feature in the street scene. It would be at odds with the prevailing spacious qualities of the area.
7. Whilst permission was granted for the same proposal in 2013, that decision was made in a different policy context. The Bedford Borough Local Plan 2030 (the BBLP) and current design policy of the NPPF postdate that historical decision and are relevant. Thus, I am not bound by the Council's previous conclusions on design matters.
8. I therefore conclude that the proposed extension would cause harm to the character and appearance of the area. It would conflict with Policies 28S (i, ii, and iv); 29 (i and ii) and 30 (i and ii) of the BBLP, which seek high quality design and require development to make a positive contribution to and complement the character of the area and local distinctiveness, having regard to, among other things, scale, massing, height and layout. It would also fail to reflect the aims of Design Codes E1 and E3 of the Council's Residential Extensions, New Dwellings and Small Infill Developments Design Guidance 2000 (the RENDSID) which seek to ensure residential extensions are well designed so as to safeguard the character of an area. The proposal would also conflict with the design aims and objectives of the National Planning Policy Framework in so far as they require development to be sympathetic to local character.

Living conditions

9. The proposed two storey extension would be sited in close proximity to the boundary shared with No 35, where there is a ground floor window serving a study facing the application site.
10. I have taken into account that the ground floor side window overlooks the existing boundary treatments, and that the extension would be off set from the side elevation of No 35 so it would not be directly in front of the window.
11. Nevertheless, because of the height, scale and mass of the proposed extension, coupled with the limited separation distance available, it still would result in an imposing and overbearing feature close to the shared boundary. It would have a significant enclosing effect on the outlook from the ground floor side window at No 35 and would reduce the amount of light reaching the room. The result would be oppressive and harmful.
12. Therefore, I conclude that the proposal would harm the living conditions of the occupiers of No 35, through a significant erosion of outlook and light. Accordingly, it would conflict with BBLP Policies 30 (i) and (ii) and 32 (iv) which seek good design and set out that proposals should ensure that they minimise and take account of the effects to neighbouring living conditions. The proposal would also conflict with the aims of the RENDSID Design Codes E6 and E7 which seek to deliver development which achieves adequate levels of daylight and sunlight.

Other Matters

13. I appreciate the appellant's desire for the extension which would allow for additional family members to live at the property. Nevertheless, this does not mean that the proposed development is an acceptable solution given the harm it would cause.
14. I note the appellant is dissatisfied with the advice provided by the Council. However, that issue does not alter the overall planning merits of the proposal.

Conclusion

15. For the reasons given above, the appeal scheme would conflict with the development plan and would result in significant harm. There are no other matters of sufficient weight which lead me to any other conclusion than that permission should be refused. Accordingly, the appeal should be dismissed.

Emma Worley

INSPECTOR