



Appeal Decision

Site visit made on 23 November 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2022

Appeal Ref: APP/K0235/D/22/3307886

47 Whitworth Way, Wilstead, Bedford MK45 3EE

- 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 Matteo Di Niro against the decision of Bedford Borough Council.
 - The application Ref 22/00738/FUL, dated 27 July 2022, was refused by notice dated 19 August 2022.
 - The development proposed is the erection of rear and side first floor extensions.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of rear and side first floor extensions at 47 Whitworth Way, Wilstead, Bedford MK45 3EE in accordance with the terms of the application, Ref 22/00738/FUL, dated 27 July 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 109-001; 109-010 Rev A; 109-100; 109-300; 109-151; 109-351 and 109-777.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of 49 Whitworth Way.

Reasons

3. The proposed development includes a first floor extension above an existing single storey addition located to the rear of a detached dwelling situated within a predominantly residential area. The Council's specific concern is related to that part of the appeal scheme which would be sited adjacent to the shared boundary with 49 Whitworth Way. The design of this element of the proposed development, described as a side extension, would have a lower eaves height than the main roof, be set back further from the shared boundary than the existing flank wall for the single storey addition and project about 3.4 metres from the existing first floor rear elevation.

4. Reference is made by the appellant to alterations which have occurred at Nos. 53 and 61. However, although these properties were observed during the site visit, their detailed planning histories have not been provided. Accordingly, this appeal has been assessed on its own planning circumstances. This includes consideration of the Council's *Design Guide: Residential Extensions, New Dwellings and Small Infill Development* where it is advised that development should not have an overbearing effect on other properties by reason of scale, massing and proximity.
5. By reason of its design, siting and limited depth, the proposed side extension would not result in an overbearing form of development when viewed from the rear windows, conservatory and garden on No. 49. From the patio window there would be an oblique view of the proposed side extension with the predominant outlook being towards the rear garden on No. 49 and the open field beyond. The same principal view applies equally to the patio area and the conservatory. Overall, there would be a limited difference in the outlook from this neighbouring property towards the proposed side extension which would be seen against the context of the rear extension which is not objectionable to the Council.
6. Although the other concerns of the occupiers of No. 49 have been carefully noted, there are no reasons to depart from the Council's assessment of the lack of harm associated with these matters. The outlook from the bathroom window is already towards the 2-storey element of the appeal property and this would not materially change and neither would levels of daylight reaching this non-habitable room. There may be some minor overshadowing during part of the morning period but the rear elevation and garden of No. 49 are south facing and, as such, would have direct sunlight during the majority of the late morning, afternoon and evening periods.
7. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 49 Whitworth Way and, as such, there would not be a conflict with Policy 32 of the Bedford Borough Plan which requires proposals to ensure that they minimise and take account of the effects of pollution and disturbance.

Conditions

8. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance. For reasons of clarity, a condition is necessary to secure the erection of the proposed extension in accordance with the approved drawings. To assist with the assimilation of the appeal scheme into the surrounding area a condition for the external materials to match those of the host property is necessary.
9. Accordingly, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR