



Appeal Decision

Site visit made on 15 December 2022

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2023

Appeal Ref: APP/K0235/D/22/3309044 8 Waltham Close, Bedford, MK41 8DL.

- 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 Allen against the decision of Bedford Borough Council.
 - The application Ref 22/00878/FUL, dated 12 April 2022, was refused by notice dated 15 September 2022.
 - The development proposed is two storey rear extension, first floor side extension and front porch.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the surroundings on Waltham Close.

Reasons

3. The appeal site is located on the south side of Waltham Close - a small cul-de-sac of modern, detached, two storey houses in brick and tile. The houses have attached single storey garages sometimes constructed as a single unit and sometimes paired with the neighbouring garage. The houses are all built to a simple flat fronted design with their canopied porches and garages set slightly forward of the main front elevation. On some properties these projecting elements have been changed to incorporate a pitched roof rather than the flat roofs as originally designed.
4. The property benefits from existing single storey conservatory and utility extensions to the rear which would be demolished and replaced with the rear extension. This would not extend beyond the footprint of the existing extensions by any significant amount but would extend upwards to a full 2 storeys and extend across the whole width of the property and to the side boundary with No 9.
5. I have been referred to the fact that there have been other rear and side extensions in the Close and, whilst I note these, there are none where the side extension extends to a full two storeys. Even No 5, which the appellant argues has introduced a pitched roof over the garage in the gap between the dwellings, remains single storey in appearance. I will therefore consider the appeal case on its own merits.

6. The character of the Close is one where the detached houses are regularly spaced along the Close with a feeling of openness provided by the fact that views through to trees and sky are possible over the single storey garages. As stated above the extension would be the first occasion on which such a view would be blocked. This would close down the characteristic openness between properties contrary to the guidance in Design Code 3 of the Council's *Residential Extensions, New Dwellings and Small Infill Development Guidance* (RENDSID) which is specifically about the space around buildings.
7. I acknowledge that the side extension would have a significant set back from the frontage to behind the stair and landing window and this setback would mean that in views along the Close approaching from the west the extension would be initially hidden from view. However, around the top end of the Close the enclosing impact of the extension would be clearly visible and detrimental to the established form and character.
8. Whilst each case will always be considered on its merits, were I to allow the appeal, the uniformity of the design in the Close is such that it would be difficult for the Council to resist other similar proposals. If replicated elsewhere the character of the Close as one of an open spaciousness would be changed to a very different and less attractive feel.
9. The proposal is a resubmission of a previous scheme that went to appeal (ref APP/K0235/D/22/3290820) and was dismissed on the grounds of the impact on character and appearance. It has been put to me that the Inspector accepted the principle of the side extension and his only concerns related to the detail of the design and its impact on appearance which the appellants consider they have resolved in the current appeal proposal.
10. However, having read the decision, I am not satisfied that this was the case and in fact he appears to have shared my view that the development would harm the character of the Close. The decision letter states at paragraph 3 *"the spacing of dwellings originally generated by intervening flat-roofed garage and side accesses remains a strong feature in the street scene. This is due to the absence of two-storey side extensions over (or in place of) garages in the street scene.* At paragraph 7 the letter states *"The appellant also suggests that the public realm experience does not include spaces between the dwellings except when 'directly' in front of the flat-roofed garages. Even if these views are limited, the experience in the public realm is about movement through, and perceptions of, the enclosing environment. These dwellings present authentically as discrete two-storey elements in their largely original form, the perception of which would be diminished by physical changes which fail to appreciate the architectural language of the original building. Indirect factors also affect that perception such as the awareness of sunlight shining through the gaps onto flank walls.* Most significantly at paragraph 8 in his conclusion on character and appearance the Inspector concluded that the design would conflict with Design Code E3 of the RENDSID guidance relating to the space around buildings. From these extracts I am satisfied that the previous Inspector, in addition to concerns over the detailed design, was concerned as I am with the overall impact of the side extension.
11. I accept that, with the setback proposed and the slight set down from the main ridge and the revised design to reflect the character, appearance and design of the main house, the side extension would be largely compliant with Design Codes E1

and E2 of the RENDSID guidance. However, I am not persuaded that this would outweigh the harm from the scheme overall on the spacing, setting and appearance of the dwelling in the street scene.

12. It is common ground between the parties that the small extension and remodelling of the porch and garage canopy would be acceptable and having viewed this on site I have no reason to disagree. The alteration is a modest one and the retention of the flat roof detail is now in keeping with the majority of properties in the Close. Similarly, the rear extension in itself would be an acceptable alteration to the property, the gable detail adding interest to the flat fronted rear elevation. However, it is physically and functionally linked to the side extension and the impact it would have and therefore whilst it is open to me to arrive at a split decision allowing one element of a scheme whilst dismissing another this would not be possible in this case.
13. The *National Planning Policy Framework* (the Framework) sets out at Section 12 policies to ensure high quality in design and the Bedford Borough Local Plan at Policies 28 and 29 is consistent with the Framework in similarly setting out the principles for good place making and high quality design. These policies emphasise the importance of designing developments to respect the local context in which they are set. Policy 30 particularly subsections i) and ii) expand on how developments will be expected to achieve this. For the reasons above, the impact of the proposed side extension to No 8 would conflict with the requirements of these policies and with the RENDSID guidance particularly Design Code E3.

Other Matters

14. A number of matters not discussed above have been raised in objections relating to the impact of the proposed development on the living conditions of occupants of No 9. This was not a reason for refusal and was not upheld as a ground on which to dismiss the previous appeal and I have not considered these matters further.
15. I understand the appellants' wish to achieve additional living space through this extension and in that way make sustainable and effective use of housing land, an objective which is encouraged by the Framework in Section 11. However, paragraph 124 in the same section of the Framework states that this should not be at the expense of maintaining an area's prevailing character and setting. In any event I am not persuaded that, given the considerable size of the corner plot to No 8, there would not have been an alternative design of extension that could have provided the same amount of accommodation without the adverse impacts on character and appearance. As such, sustainable and effective use of the dwelling would not outweigh the harm to the character and appearance of Waltham Close as a result of the proposal.

Conclusion

16. In reaching my decision I have had regard to the matters before me but for the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR