



Appeal Decision

Site visit made on 30 December 2022

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 1 February 2023

Appeal Ref: APP/P0240/D/22/3309184
19 Woodford Road Dunstable LU5 4JS

- 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 Ms A Balasoiu against the decision of Central Bedfordshire Council.
 - The application Ref: CB/22/01331/FULL dated 15 June 2022, was refused by notice dated 20 September 2022.
 - The development is retention of timber framed lean-to extension to rear.
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Decision

1. The appeal is allowed and planning permission is granted for retention of timber framed lean-to extension to rear at 19 Woodford Road Dunstable LU5 4JS in accordance with application Ref: CB/22/01331/FULL and the plans submitted with it, subject to the following conditions:
 - 1) The structure hereby approved shall not be used as habitable accommodation at any time.
 - 2) The structure shown on the plans submitted with the application (Ref: 2234:01) pertaining to the development hereby approved shall not be altered or further enclosed by addition of, or substitution by, any solid or opaque materials.

Preliminary Matter

2. The Council refer to the works carried out as a 'lean-to extension' however the extension is a structure with open sides and a roof which does not provide habitable accommodation and I have determined the matter on that basis.

Main Issue

3. The main issue is the effect of the development upon the living conditions of neighbouring users and the character and appearance of the area.

Reasons

4. No.19 Woodford Avenue (No.19) is a semi-detached two-storey house within an established residential area of Dunstable, the paired property on its northern side being No.21 Woodford Road (No.21). The works for which permission is retrospectively sought comprise a largely open-sided structure seemingly provided as outdoor living space for the appellant and his family which includes small children.
5. What has been built (the Structure) occupies the full width of the plot of No.19 and extends over the outdoor amenity space immediately adjacent the rear walls of the house. The structure has the character and appearance of a garden

structure and not of an extension providing habitable accommodation which would be of solid construction. The Council are concerned as to its proximity to the house which raises concerns as to the impact upon the outdoor amenity space of No.21 and effect upon the appearance of the host dwelling and do so by reference to the Central Bedfordshire Design Guide 2014. This document primarily addresses (at Section 7) alterations and extensions to existing buildings and has limited relevance to the subject of this appeal as a relatively unsubstantial and unenclosed building. Nevertheless, similar issues of impact arising are addressed in this decision.

6. From my observations it appears that the height of the structure adjacent to the boundary with the house adjoining (No.21) is close to 3m, some 1m higher than the boundary fence. No.21 is an unextended house with a reasonably-sized west-facing garden such that the outlook from the dwelling and within its rear garden is open. Whilst the Structure does have a moderate enclosing effect along the shared boundary, that effect is significantly mitigated by its open-sided nature and its relatively limited height. To my mind this is a consideration of some weight having regard to the provisions made in schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for residential extensions which are commonly found in similar residential areas and would be erected with solid walls along shared boundaries.
7. On that basis I conclude with regard to the specific circumstances of this case, that the Structure does not have an unacceptably overbearing impact upon adjoining users, although that position would change in the event that the structure is provided with solid enclosing structure in any part.
8. Regarding the effect of the Structure upon character and appearance I note that although it is wide and partly obscures the form of the host dwelling in views from the rear it is not apparent from the street and is well screened from neighbouring users on the south side of No.19. The contrasting choice of material from those found in the host dwelling underlines its ephemeral, if bulky, character. The Council confirm my observations that the Structure has no impact upon the amenity of No.17 and whilst visible from No.21 in oblique views, little weight can be given to the impact upon the character and appearance of the host or neighbouring dwellings or, due to its rearward location, in the wider area. Again, the relatively open character of the Structure is a factor to which I have had regard in coming to this conclusion.
9. I conclude that the development does not conflict with Policy HQ1 of the Central Bedfordshire Local Plan (2021) which seeks development to support local distinctiveness and high quality design such that it would, in consequence, accord with the development plan as a whole. On that basis the appeal succeeds. This conclusion presumes that what has been built is not to become habitable accommodation and is not further enclosed in such a way that the openness and transparency of the structure is reduced. I have therefore applied conditions to that effect. As the works have been carried out in accordance with the plans submitted neither plans nor timing condition is necessary.

Andrew Boughton

INSPECTOR