



Appeal Decision

Site visit made on 30 January 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/K0235/D/22/3310352

2 Orchard Street, Kempston, Bedford MK42 7JA

- 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 Kalyan against the decision of Bedford Borough Council.
 - The application Ref 22/01556/FUL dated 1 July 2022, was refused by notice dated 22 August 2022.
 - The development proposed is described as single storey front extension to form garage connected to single and 2-storey side and rear extensions (resubmission with outbuilding omitted and reductions to eaves height, width and depth to rear extension, (single and 2-storey) applied).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on (i) the living conditions of the occupiers of neighbouring properties, and future occupiers of the appeal property; and (ii) the character and appearance of the existing dwelling.

Reasons

Living Conditions

3. The appeal site lies within a predominately residential area comprising a variety of property types. The appeal site is a modest sized semi-detached two storey property adjacent to a detached bungalow, No. 2a Orchard Street.
4. There are existing windows at first floor on the rear elevation of the appeal site which offer opportunities of overlooking into the neighbouring gardens. The proposed development would bring the property closer at first floor to the shared boundary with neighbouring gardens and include a window serving bedroom 4.
5. Design Code E5 of the Design Guidance, Residential Extensions, New Dwellings and Small Infill Development (2000) (the Design Guidance) confirms that where a primary window directly overlooks a neighbouring garden the window should not be closer than 9m from the relevant boundary. The proposed development does not comply with this design code.

6. Notwithstanding this mutual overlooking does exist between properties in this area; the scale, positioning and design of the proposed development would not diminish the levels of privacy currently experienced.
7. I note that the proposed development includes an alternative arrangement for the provision of a high level window at first floor serving the 4th bedroom, however as I have found that the proposed development would not harm living conditions of neighbouring properties in terms of loss of privacy there is no need for me to consider the alternative scheme. The proposal therefore would not result in poor living conditions for future occupiers of the appeal property.
8. The proposed two storey extension would project close to the shared boundary with No. 2a Orchard Street. The private rear garden of No. 2a is smaller in depth than the appeal site. The proposed development would extend further than the depth of the neighbouring garden and due to its scale, proximity to the boundary and design would be stark and overbearing to the occupiers of No. 2a.
9. I find that the proposed development would harm the living conditions of the occupiers of 2a Orchard Street.
10. There is conflict with Policies 29, 30 and 32 of the Bedford Borough Council Local Plan 2030 (2020) (the Local Plan) which seeks amongst other things to ensure development contributes positively to an area, respects the privacy and amenity of adjoining neighbours.
11. There is conflict with the Design Guidance, Design Code E5 and E7 which seeks to ensure developments harmonise with the existing building and area.

Character and Appearance

12. The Design Guide suggests that the total ground flood area of an extended house should be no more than one-third of the size of the plot with the remaining two thirds being garden. The Appellant contends that the proposed development would be less than one third of the plot size. Even if this were the case the proposed development would add significant bulk to the existing dwelling and would appear cramped on the plot.
13. I conclude that the proposed development would harm the character and appearance of the existing dwelling.
14. There is conflict with Policies 29 and 30 of the Local Plan which seek amongst other things to ensure development is of high design quality and responds positively to the character and context of an area.
15. There is conflict with the Design Guidance which seeks to ensure developments harmonise with the existing building and area, resisting cramped and out of keeping extensions.

Conclusion

16. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR