



Appeal Decision

Site visit made on 21 February 2023

by Ms Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2023

Appeal Ref: APP/K0235/C/22/3297039

21 Chestnut Avenue, BEDFORD, MK40 4EY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Ziarat Mehmood against an enforcement notice issued by Bedford Borough Council.
 - The notice, numbered 21/00126/UNDEV, was issued on 11 March 2022.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a single storey rear extension.
 - The requirements of the notice are to: i) demolish the single storey rear extension outlined in green on the attached plan (of the enforcement notice) and ii) remove all waste and materials resulting from (i) from the land.
 - The periods for compliance with the requirements are: i) 5 months and ii) 6 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. The appellant has commented that the Council's Residential Extensions, New Dwellings and Small Infill Developments Design Guide is out of date as it was adopted in 2000. Whilst I appreciate it is old, there is nothing before me suggesting that it conflicts with the National Planning Policy Framework. I understand it is Supplementary Planning Guidance which is referred to in the Bedford Local Plan 2030 (LP) and therefore, I have taken it into account as a material consideration.

Main Issues

3. The main issues are the effect of the extension upon (i) the living conditions of the occupants of the appeal site in relation to the provision of external private amenity space; (ii) the living conditions of the occupants of 23 Chestnut Avenue in respect of outlook; and (iii) the character and appearance of the area.

Reasons

Living Conditions of the occupants of the appeal site

4. The extension runs for the full length of the rear amenity space, it is over half the width of the garden and there is already an outbuilding in place. I could see at my visit that the remaining amount of external amenity space is extremely small and does not provide enough space for the usual activities that a family garden would provide for such as sitting out, growing plants and children's play. In addition, the space is tightly enclosed by the surrounding buildings making it particularly oppressive and unappealing to use. I accept that there was another outbuilding on the site before the extension was built but the extension is bigger than that outbuilding and the extension has therefore further reduced the amount of private amenity space.
5. There is a public park behind the appeal site but this does not adequately compensate for the severe lack of private amenity space as a result of the extension.
6. I conclude that the extension unacceptably reduces the amount of external private amenity space and results in inadequate living conditions for the occupants of the appeal site. It therefore conflicts with Policy 30 of the LP which seeks to ensure that development proposals take account of the provision of private space where appropriate.

Living Conditions of 23 Chestnut Avenue

7. The extension is some 2.7m high and runs along the joint boundary with No 23 to the far end of this neighbouring garden. Furthermore, there is large window in the rear of No 23 next to the extension. There is a small extension to the rear of No 23 but given the excessive length of the appeal extension, its height and position along the boundary, it is an enclosing and overbearing feature within the outlook from both inside of No 23 and from its garden.
8. The extension is even longer than the previous outbuilding which left a gap between it and the house. The effects upon this neighbouring dwelling are therefore worse than they were previously.
9. For these reasons, the extension harms the living conditions of the occupiers of No 23. It therefore conflicts with the general aims and objectives of LP Policy 32 which seeks to prevent disturbance to neighbours. It also conflicts with Paragraph 130 of the National Planning Policy Framework which seeks to ensure a good standard of amenity.

Character and appearance

10. The rear of the dwellings on Chestnut Avenue are visible from the public footpath, the park and Westbourne Road. Therefore, the extension is in a prominent position.
11. I accept that other properties have garages or outbuildings on the boundary with the footpath. Nevertheless, the appeal extension is unusual in that it extends the full length of the garden, is attached to the house and has a large footprint. It presents a solid, plain wall to the footpath and no rear garden area to the property remains in the street scene. This results in a dense

development of the plot which is out of character with its surroundings making it incongruous, conspicuous and unattractive within the public realm.

12. I conclude that it harms the character and appearance of the area and conflicts with LP Policies 28S, 29 and 30 which, in combination, seek to ensure that development is of high-quality design, respects its context and contributes positively to the area's character and identity.

Conclusion

13. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Ms Watson

INSPECTOR