

Appeal Decision

Site visit made on 9 May 2023

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023.

Appeal Ref: APP/K0235/D/23/3317180

9 Old School Gardens, Wootton, Bedfordshire, MK43 9JF

- 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 Ian & Hilary Howell against the decision of Bedford Borough Council.
 - The application Ref 22/02493/FUL, dated 14 November 2022, was refused by notice dated 11 January 2023.
 - The development proposed is erection of a single storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a single storey side extension at 9 Old School Gardens, Wootton, Bedfordshire, MK43 9JF in accordance with the terms of the application, Ref 22/02493/FUL, dated 14 November 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 22-097-01, 22-097-02, 22-097-03, 22-097-04A, 22-097-05.
 - 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. There is one main issue, which is the effect of the proposed extension on the living conditions of occupiers with respect to the provision of garden/amenity space to serve the host dwelling.

Reasons

3. The appeal dwelling is a modern detached house set at the end of a cul-de-sac development of nine dwellings. It backs onto the busy junction of Bedford Road and Fields Road. All of the dwellings have small gardens but most have a secluded area to the rear of the dwelling. The main amenity space at the host
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dwelling lies to the side of the house and is visible from the cul-de-sac. This provides hardstanding for parking as well as garden space.

4. The original planning permission for the nine dwellings removed permitted development rights for extensions, sheds, greenhouses, fences and gates in order to safeguard the amenities of adjoining occupiers and to ensure that any extensions are in keeping with the overall appearance of the development. The Council's refusal does not relate to either of these matters.
5. At the time of my site visit two vehicles were parked within the curtilage of the dwelling, including one on the site of the proposed extension. This area is the most visible from the street and, owing to the lack of privacy, is unlikely to be used for sitting out. The amenity space as a whole has limited value for quiet enjoyment or children's play due to its size, visibility from the cul-de-sac and proximity to the busy road junction, making it noisy and unsuitable for older children's play, including ball games. Nevertheless, it provides adequate space for drying washing, sitting out and for small children to play under supervision. The evidence demonstrates that there is space for bin storage elsewhere within the plot.
6. The proposed extension would have a footprint of about 11m² and is intended as a store for motorbikes. It would be too small to garage a car. Nevertheless, the Council is satisfied that two vehicles could still be accommodated within the curtilage, and I agree this would be possible. Moreover, it appears that with careful parking, the currently demarked "garden" space could be substantially retained.
7. The appellants also point out that there is a children's play area, playing fields, all-weather arena and skate park immediately adjacent to Old School Gardens. This is readily accessible from the appeal dwelling and, they suggest, would compensate for the lack of outside play space at the property. I agree this would provide ample space for recreation for children of all ages.
8. The Council is concerned that built development would cover some 42% of the plot, whereas guidance in the Residential Extensions, New Dwellings & Small Infill Developments (RENDSID), 2020, suggests in design code E3 that, amongst other things in order to maintain adequate amenity space, in most situations the total ground floor area of the extended house should be no more than one third the size of the plot.
9. However, the appeal site already has limited amenity space of restricted value for sitting out and recreation. The loss of the least private part of this would not, in my view, materially impact on the living conditions of current or future occupiers. Moreover, the proposed extension would provide useful storage, not only for motorbikes but potentially for outdoor paraphernalia such as bicycles, tables and chairs, garden tools and portable outdoor play equipment. Overall, I am therefore satisfied that adequate amenity space to serve the dwelling would remain.
10. It is concluded on the main issue that the proposed extension would have no materially harmful effect on the living conditions of occupiers with respect to the provision of garden/amenity space to serve the host dwelling. In consequence, it would not amount to overdevelopment and would comply with Policies 28, 29 and 30 of the Bedford Borough Local Plan 2030, adopted 2020. Taken together

these expect, amongst other things, that new development should be of a high quality of design such that it has a positive relationship with surrounding areas and contributes positively to the area's character, identity and context, including the provision of private space. The departure from design code E3 of the RENDSID would therefore be acceptable in this case.

11. The Council refers in its evidence to the original garage at the appeal dwelling having been converted, at some point in the past, to habitable accommodation, contrary to a planning condition. However, it is not suggested that this development is subject to any enforcement action and, in any case, I do not find it material to the appeal proposal before me which I have considered on its own merits.
12. In addition to the statutory commencement condition, the Council suggests conditions requiring the development to be carried out in accordance with the approved plans and in materials which match the host dwelling. I agree these are necessary in order to protect the character and appearance of the host dwelling and surrounding area and for the avoidance of doubt.
13. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down

INSPECTOR