

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: 22 May 2023.

Appeal Ref: APP/P0240/D/23/3317392

29 Lilac Grove, Biggleswade, SG18 8TP

- 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 David Pollendine against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/04410/FULL, dated 13 November 2022, was refused by notice dated 31 January 2023.
 - The development proposed is a single storey rear extension and new porch.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and new porch at 29 Lilac Grove, Biggleswade, SG18 8TP in accordance with the terms of the application, Ref CB/22/04410/FULL, dated 13 November 2022, subject to the following conditions:
 - 1) The new porch development hereby permitted shall be carried out in accordance with the following approved plans: site plan; PL-L10, PL-L11, PL-L1, PL-L100, PL-L101, PL-L103, PL-L104, PL-L105.
 - 2) The materials to be used in the construction of the external surfaces of the porch hereby permitted shall match those used in the existing building.

Main Issues

2. There are two main issues. Firstly, the effect of the proposed rear extension on the character and appearance of the host dwelling and the surrounding area; and secondly, the effect on the living conditions of occupiers of 27 and 31 Lilac Grove with respect to outlook and light.

Reasons

3. The appeal dwelling is a two storey modern, detached house set in an established and spacious cul-de-sac of similar dwellings. Variation in design and colour of materials is apparent but the buildings form a cohesive group.
 4. The proposals include a front porch. The Council raises no objection to this and I agree it would be acceptable. I note that third parties express concern
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regarding its scale and forward projection but I agree with the Council that it would have a satisfactory appearance and not impinge on the living conditions of neighbouring occupiers. I shall therefore restrict my further consideration to the proposed single storey rear extension which at the time of my site visit had been substantially completed.

5. The appellant argues that the proposed rear extension would amount to permitted development. However, an application for a Certificate of Lawful Development, submitted to the Council following the refusal of the appeal proposal, has been refused. In any case, the appeal before me relates to the refusal of a full planning application and the appeal is made under s78 of the Town and Country Planning Act 1990. I have considered it as such and on its own merits.
6. The proposed single storey rear extension would be some 4m deep, in the region of 3.1m to the eaves on the side elevations (the as-built walls are lower than shown on the submitted plans) and would have an almost flat roof. The rear elevation would extend upwards into a feature parapet, the outer edge of which would be about 3.7m, rising to some 4.5m in the centre where a flue would rise further to the height of the eaves on the host dwelling. The rear elevation would have a feature arched canopy over about the central two thirds of the width that would extend a modest distance from the rear elevation. The extension would be about the same width as the host dwelling and have a separation to each side boundary, marked by high close boarded fences, of about 1m.
7. The extension is a bold addition and, given the limited depth of the remaining rear garden, the parapet would obscure views of much of the first floor rear elevation of the dwelling from within the plot. Nevertheless, it is clearly a single storey extension and in terms of design would add architectural interest to the rear of a bland modern dwelling.
8. The Council is concerned that the extension would not appear subservient. However, it is not unduly deep and the roof is of modest height. The side parapet walls have been built at a reduced height to that shown on the submitted plans, with only the parapet above the rear elevation rising to the levels shown. This reduces the bulk of the extension when seen from the side and provides a greater degree of subordination to the original dwelling. Moreover, the front elevation is unaffected. Overall, the extension does not unacceptably dominate the original building.
9. The parapet does increase the impression of size when seen from the garden but is clearly separated from the original dwelling in other views and, owing to its position to the rear of the dwelling and above the rear wall of the extension, whilst visible from Nos 27 and 31, would not be prominent in the wider area.
10. The extension is constructed in smooth faced orangey bricks which are similar in colour but smoother in finish to the bricks used in the lower part of the side walls of the host dwelling and those in the rear elevation of No 27. Elsewhere, much of the host dwelling is of rough cast yellow brick. Nevertheless, since the different bricks are only visible adjacent to the host dwelling in limited views from the side alleys and the overall impression is of bricks which complement the dwelling and are similar in colour to some of those in the host dwelling and

those seen in the wider area, I do not consider the materials to detract from the character or appearance of the host dwelling, the extension or the surrounding area.

11. The proposal includes solar panels on the flat roof. These would need to be set at an angle of some 22 ° in order to achieve a satisfactory relationship with the sun. Nevertheless, they would not be obtrusive and I find them acceptable.
12. It is concluded on the first main issue that the proposed rear extension, as built, would have no materially detrimental effect on the character or appearance of the host dwelling or the surrounding area. In consequence, it would comply with Policy HQ1 of the Central Bedfordshire Local Plan 2015-2035 (LP), adopted 2021, the National Planning Policy Framework (NPPF) and the adopted Central Bedfordshire Design Code, 2014. Taken together, these expect new development to relate well to the character and context of the area and be visually attractive as a result of good architecture and layout which is of a size, scale, massing, materials and appearance to relate well to local surroundings and reinforce local distinctiveness.
13. Turning to the effect on living conditions, with respect to light, the appellant has submitted an overshadowing assessment which compares a notional extension that could be built under permitted development with the as built extension. The assessment demonstrates that the overshadowing caused by the as built extension would be no greater than that caused by an extension built under permitted development. It does not show the effect of the extension compared with no extension but, on the basis that an extension under permitted development represents a realistic fallback, I am satisfied that in terms of sunlight the effect of the proposed extension, as built, would be acceptable.
14. With respect to daylight, the closest window and patio doors in No 27 which lies to the south are separated from the side wall of the extension by the side alleys at both dwellings and the boundary fence. Given the position to the south, the limited depth of the extension and the otherwise open aspect to the rear of No 27, I am satisfied that no material loss of daylight would occur. No 31, which lies to the north, is similarly separated from the proposed extension and closest windows would be a sufficient distance from it to avoid any material loss of daylight. Moreover, the aspect to the rear and northern is open, ensuring unrestricted daylight.
15. Both neighbouring dwellings have rear conservatory extensions. However, in both cases these are set away from the shared boundary with the appeal dwelling, projecting from the further side of the dwellings and occupying about half the width. They are therefore sufficiently distant for there to be no material loss of either daylight or sunlight.
16. Turning to outlook, the rear facing windows in Nos 27 and 31, especially at first floor, would have clear angled views of the proposed extension. Nevertheless, in the context of their otherwise open aspect this would not materially detract from their outlook. The conservatories both have windows which face the extension, which would be clearly visible. However, the windows are at a sufficient distance and views towards the extension are partially blocked by the existing boundary fences such that any material loss of outlook would be avoided.

17. It is concluded on the second main issue that the proposed rear extension, as built, would have no materially harmful effect on the living conditions of occupiers of 27 and 31 Lilac Grove with respect to outlook and light. In consequence, it would comply with Policy HQ1 of the LP and the NPPF. Taken together, these expect new development to create places with a high standard of amenity for existing and future users such that there is no unacceptable adverse impact on nearby or permitted uses with respect to amenity.
18. Turning to conditions, I agree with the Council that as the proposed development has been commenced, the usual statutory commencement condition is not necessary. I also agree that, in the context of the front porch which has not been built, the development should be carried out in accordance with the approved plans for the avoidance of doubt and to protect the character and appearance of the host dwelling and street scene of Lilac Grove. However, the rear extension has been substantially completed. Moreover, it has been built with lower side parapet walls compared with those shown on the submitted plans. These are acceptable. Therefore, I shall amend the wording of the standard plans condition to reflect the fact that it does not apply to the rear extension. Finally, I agree with the Council that the porch should be constructed using materials that match those used in the existing dwelling to protect the character and appearance of the host building and surrounding area. I shall impose a condition to secure this.
19. For the reasons set out above and having regard to all other matters raised, including third party representations regarding the impact of fumes and property values which are not planning matters and possible flooding for which I have no evidence and no representations from the Environment Agency, I conclude that the appeal should be allowed.

KE Down
INSPECTOR