



Appeal Decision

Site visit made on 16 May 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2023

Appeal Ref: APP/P0240/D/22/3313062

Orchard View Barn, Overend Green Lane, Heath and Reach LU7 9LD

- 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 Ian Gibbins against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/02528/FULL, dated 20 June 2022, was refused by notice dated 4 November 2022.
 - The development proposed is insertion of 3 no rear facing pitched roof dormers.
-

Decision

1. The appeal is allowed and planning permission is granted for insertion of 3 no rear facing pitched roof dormers at Orchard View Barn, Overend Green Lane, Heath and Reach LU7 9LD in accordance with the terms of the application, Ref CB/22/02528/FULL, dated 20 June 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: *DD17/181.1A - Existing and proposed elevations, floor layouts & location plans.*

Preliminary Matters

2. The appeal site is located within the Green Belt. Paragraph 149 of the National Planning Policy Framework (the Framework) states that the construction of new buildings in the Green Belt is inappropriate subject to certain exceptions. The Council indicate the proposal would fall within one of those exceptions, the extension or alteration of a building that does not result in disproportionate additions over and above the size of the original building. From everything I have seen in submissions and on my site visit, I have no reason to disagree.

Main Issues

3. The main issues in this appeal are the effects of the proposal on:
 - The character appearance of the appeal property and area; and
 - The living conditions of the occupants of Greensand Barn, with particular regard to privacy.

Reasons

Character and appearance

4. The appeal property is a converted barn with a pitched, tiled roof. The Central Bedfordshire Design Guide 2014 advises that dormer windows should be avoided on prominent elevations that can be clearly viewed within the street scene and should be below the ridge line and away from the roof edge.
5. The proposed dormer windows would be sited at the rear roof plane. A private drive serves the appeal property and the two dwellings located behind it. Whilst the dormer windows would be visible from the rear section of the private drive, the proposal would not be visible from the public highway at the front of the site. From this vantage point, the simple form and appearance of the dwelling would be maintained.
6. Whilst the insertion of three pitched roof dormers at the rear roof plane would alter the simple form of the roof, they would not be located on a prominent elevation and would be of limited visibility within the street scene. In addition, the dormers would not exceed the ridge height and would be set in from the gable end. The proposal's design would therefore accord with the design guidance.
7. The appeal property is located within a complex of barns converted to dwellings which are of a similar style, scale and appearance. Overend Green Farm and Corn Mill Barn are situated on either side of the appeal property. The two pitched roof dormers of Overend Green Farm and three pitched roof dormers of Corn Mill Barn are clearly visible from the public highway. As there are pitched roof dormers at adjacent dwellings, the insertion of pitched roof dormers at the appeal property would not be out of keeping with the character of the area.
8. Overend Green Farm's dormer windows face the public highway, whereas Corn Mill Barn is oriented perpendicular to the lane with its dormer windows facing countryside to the north. Due to the organic layout of development, the insertion of dormer windows on the rear roof plane would not be detrimental to the prevailing pattern of development.
9. For these reasons, the proposal would not harm the character appearance of the appeal property or area. The proposal would therefore comply with Policy HQ1 of the Central Bedfordshire Local Plan 2021 which requires the design and appearance of development proposals to relate well to the existing local surroundings and reinforce local distinctiveness. In addition, the proposal would accord with guidance contained in the Central Bedfordshire Design Guide, which permits dormer windows where they can be inserted without damaging the character and appearance of the dwelling and wider area and would satisfy paragraph 130 of the Framework which requires development to be sympathetic to local character.

Living conditions

10. A row of rooflights is positioned at one end of the appeal property's pitched roof plane. Three rooflights would be replaced by the proposed dormer windows and therefore the proposal would provide only a marginal increase in the area of glazing at eye-level, relative to the existing dwelling.

11. Greensand Barn is located to the rear of the appeal property with its detached double garage with pitched roof sited between the dwellings. I understand the distance between the proposed dormer windows and Greensand Barn would not exceed the separation distances advised by the Central Bedfordshire Design Guide. However, the position of the garage building would prevent direct overlooking of the habitable rooms and area of garden situated behind it.
12. The appeal property is offset from Greensand Barn. The dormer window nearest the gable end would be positioned beyond the flank wall of Greensand Barn, and the centre dormer window would be obscure glazed thereby limiting overlooking.
13. A tall, close-boarded fence runs along the rear boundary of the appeal site obscuring views of parts of the neighbouring garden. Due to the sloping topography, Greensand Barn is set down from the ground level of the appeal property, further reducing opportunity for overlooking into windows of habitable rooms.
14. A degree of overlooking of neighbouring gardens is not uncommon in residential areas. While some parts of the Greensand Barn's garden would be visible at an indirect, oblique angle from the clear glazed dormer windows, this would not amount to an unacceptable loss of privacy. The siting and positioning of the dormer windows would not therefore harm the living conditions of the occupants of Greensand Barn.
15. Consequently, the proposal would not have an unacceptable adverse impact upon the privacy of nearby uses, as prohibited by Policy HQ1. In addition, the proposal would comply with the Central Bedfordshire Design Guide which indicates that dormer windows can be inserted where they would not unreasonably affect the amenity of neighbours, and paragraph 130 of the Framework which requires development to achieve a high standard of amenity for existing and future users.

Conditions

16. In addition to the standard time limit for the planning permission granted, in the interests of certainty I have attached a condition specifying adherence to the approved plans.

Conclusion

17. For the reasons given above, having assessed the case against the development plan taken as a whole and having had regard to all other relevant material considerations, I conclude the appeal should be allowed and planning permission granted.

E Dade

INSPECTOR