



Appeal Decision

Site visit made on 23 May 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 12 July 2023

Appeal Ref: APP/K0235/D/23/3317050

50 Carnoustie Drive, Great Denham, Bedford MK40 4FF

- 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 A Murphy against the decision of Bedford Borough Council.
 - The application Ref 22/02361/FUL, dated 27 October 2022, was refused by notice dated 14 December 2022.
 - The development proposed is an extension for a gym and spa.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the living conditions of the occupiers of 48 Carnoustie Drive, with particular regard to outlook and dominance and, (ii) the character and appearance of the area.

Reasons

Living conditions

3. The properties on this portion of Carnoustie Drive benefit from an open, verdant outlook to the rear with unimpeded views of mature woodland and sky. The appeal building is close to the tall boundary fence with No 48 and marginally projects past its rear elevation.
4. I note that the length of the proposal has been reduced from the previous scheme and that the roof is now hipped, however, the overall height and length of the proposal would still be substantial. Although, the footprint of the proposal would be angled away from No 48 and the roof would slope away from the fence, it would extend along a significant proportion of the boundary and would protrude considerably above the fence line. Despite the size of No 48's garden, the proposal would be a dominant feature. The proposal would not disrupt the private views of the occupiers of No 48 towards their rear boundary, nevertheless, due to its position adjacent the boundary and its overall scale, the proposal would have an enclosing effect, ultimately harming the open, verdant outlook currently afforded to the occupiers of No 48.
5. My attention has been drawn to other garages in the area. Whilst I note their positions set back of the rear elevations of the neighbouring properties, several elements of their design differ, including plot sizes, separation distances, boundary planting and total length of garage compared to length of garden. In any event, I have considered the appeal proposal on its own merits.

6. Further living condition concerns have been raised regarding overshadowing and noise. I note that the rear gardens of Nos 48 and 50 predominantly face north. I am satisfied that due to the orientation of the buildings and gardens, any overshadowing caused by the proposal would be minimal and would not result in a harmful loss of light within the garden or dwelling at No 48. The proposal would be for domestic use and due to this factor would not result in an increase in noise which would justify the imposition of conditions to limit the use or permitted development rights of the proposal.
7. For the reasons given above, I conclude that the proposal would harm the living conditions of the occupiers of No 48, with particular regard to outlook and dominance. Therefore, the proposal fails to accord with the requirements of the National Planning Policy Framework (the Framework), paragraph 130 f, which, amongst other things, requires a high standard of amenity for existing and future users.
8. Policy 32 of the Bedford Borough Local Plan 2030 (January 2020) (BBLP) has been referred to by the Council in its decision notice. However, this policy appears to relate to disturbance and pollution and therefore I find it is not directly applicable to the case before me.

Character and appearance

9. The area is characterised by large, detached dwellings with associated garages set in spacious plots, surrounded by a large area of green space. The existing garage proposed to be extended, is a substantial building set back from the road, typical of the area. A public footpath runs parallel to the rear boundary of the appeal site. Despite the abundance of mature planting, the built form of Carnoustie Drive, including single storey garages within rear gardens, is clearly visible from and contributes to the semi-rural character of this section of the footpath.
10. Although the proposal would significantly increase the size of the garage, it would have limited visibility from the street. Furthermore, the proposal would be the same height and width as the existing garage and would utilise matching materials. Consequently, despite its size, it would integrate well with its surroundings.
11. The proposal would extend close to the rear boundary and would be visible from the public footpath. However, the proposed hipped roof would minimise the height of the extension adjacent to this boundary. Despite the scale of the proposal, it would not have a significant presence when viewed from the footpath and would appear as part of the wider collection of dwellings and garages which collectively make up the built form of Carnoustie Drive. Ultimately, the proposal would not harm the semi-rural character of this section of the footpath.
12. For the reasons given above, I conclude that the proposal would not harm the character and appearance of the area and would accord with BBLP Policies 28S, 29 and 30 which collectively seek to ensure development is of a high-quality design and contributes positively to the area's character and the relationship of the development with the context in which it is placed. The proposal also accords with the requirements of the Framework.

Other Matters

13. The proposal would make an effective use of land, providing additional accommodation for the appellant. However, due to the scale of the proposal, the social and economic benefits of the scheme, including, local jobs and increased council tax contributions would be limited. Whilst adequate outdoor amenity space would be provided, the environmental impact of the scheme would be neutral.
14. I have sympathy towards the appellant's medical condition and acknowledge that a home gym and spa would contribute to an improved quality of life, avoiding potential re-location. I have therefore had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation. The duty of the decision maker in such circumstances is to ensure that decisions are taken from a fully informed position. I have given due weight to the written argument advanced in relation to the medical issues of the appellant.
15. I am not certain that providing the facilities in the proposal is the only option available to the appellant in this instance, as there is nothing before me to suggest that other measures have been explored and/or discounted. Consequently, I am satisfied that there are potential options for mitigation which have not been fully explored, as such I am unable to conclude that other options do not exist.
16. Although I conclude that dismissal of the appeal would have some negative impacts on the appellant, I am satisfied that there are alternative courses of action which could address some of the issues. Thus, it does not therefore follow from the PSED that the appeal should succeed and the refusal to dismiss the appeal is a proportionate and necessary response to the legitimate aim of protecting the living conditions of the occupiers of No 48.

Conclusion

17. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework or other legislation, that would outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR