
Appeal Decision

Site visit made on 27 June 2023

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2023

Appeal Ref: APP/P0240/W/23/3315693

52 Higham Gobion Road, Barton-le-Clay, Central Bedfordshire MK45 4LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr D Clyde against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/03775/VOC, dated 23 September 2022, was refused by notice dated 21 November 2022.
 - The application sought planning permission for *single storey front porch extension, part single and part two storey rear extension, front and rear first floor dormers, new detached office breakfast room (outbuilding) following removal of existing detached garage* without complying with a condition attached to planning permission Ref CB/21/04321/FULL, dated 4 January 2022.
 - The condition in dispute is No 5 which states that: *The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers L-01, L-02 rev C, L-03.*
 - The reason given for the condition is: *To identify the approved plan/s and to avoid doubt.*
-

Decision

1. The appeal is allowed and planning permission is granted for single storey front porch extension, part single and part two storey rear extension, front and rear first floor dormers, new detached office breakfast room (outbuilding) following removal of existing detached garage at 52 Higham Gobion Road, Barton-le-Clay, Central Bedfordshire MK45 4LT in accordance with the application Ref CB/22/03775/VOC, dated 23 September 2022 subject to the following conditions:
 - 1) All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.
 - 2) The first floor windows in the east facing side elevation of the development hereby permitted shall be permanently fitted with obscured glass of a type to substantially restrict vision through it at all times and shall be non-opening, unless the parts of the windows which can be opened are more than 1.7m above the floor of the rooms in which the window is

installed. No further windows or other openings shall be formed in the side elevation.

- 3) The outbuilding hereby approved shall only be used for purposes incidental to the enjoyment of the dwelling.
- 4) The development hereby permitted shall be carried out in complete accordance with the details shown on the submitted plans, numbers L-01, L-02 rev D and L-03.

Preliminary matters

2. The refusal notice for the appeal application merely repeats condition 5 of the original planning permission rather than setting out cogent reasons for refusal. The Council's report does, nevertheless, fully explain the Council's objections to the application. I have taken those objections into account.
3. The proposed development has been largely completed so that I could see it in place at my site visit. As stated by the Parish Council, the materials used do not appear to match those of the main bungalow, which is a condition of the original permission. Also, as pointed out by a neighbour, the outbuilding has not been built in accordance with the approved plans and is connected to the bungalow. The appeal application, however, seeks only to increase the size of the approved rear dormer window structure. As it does not address those other variances, they are not in front of me for consideration in this appeal.

Main Issues

4. The main issues are the effects of the proposal on:
 - i) The character and appearance of the bungalow and the local area; and
 - ii) Living conditions at 50 Higham Gobion Road next door, in terms of the outlook from that property.

Reasons

Character and appearance

5. This part of Higham Gobion Road, together with the nearby King William Close and Norman Road are characterised by bungalows with a variety of roof extensions to provide upper floor living space, including a large number of box dormer structures. The bungalow at No 52 has had box dormers added front and rear. The rear dormer, as built and as now proposed, extends further to the back than was previously approved, bringing it in line with the original rear wall of the bungalow. The bungalow has also been enlarged by a hip to gable extension, a front porch, a flat roof rear extension and another linked flat roof extension.
6. As above, this appeal relates only to the increased size of the rear dormer. It would be the same width and maximum height, so the increase is in the depth. The Council's Central Bedfordshire Design Guide (DG) advises that dormer windows will only be permitted where they can be inserted without damaging the character and appearance of the dwelling and the wider area. It advises that they should be kept well below the ridge line and away from the edges of roofs.

7. In this case the enlarged, as built, dormer would be very close to the lower edge of the roof and close to the sides and would be nearly as tall as the main roof. The result is a substantial structure that occupies almost all of the rear roof slope, creating a flat roofed upper section. Although there is therefore some conflict with the DG, there are mitigating factors here. The rear dormer is not prominent in public views, being only glimpsed in angled views from Higham Gobion Road and from streets to the rear. It is also set away from the neighbouring properties to the rear, so that it is not intrusive in any of those private views. There are vast number of other dormers in the vicinity and, as pointed out by the appellant, there similar ones nearby. The appeal dormer therefore fits reasonably within its particular context, despite its scale.
8. I conclude that the appeal proposal does not cause any material harm to the character or appearance of the bungalow or the local area. It accords with the shared aims of policy HQ1 of the Central Bedfordshire Local Plan 2015-2035 (LP) and the National Planning Policy Framework (the Framework), to secure high quality design that reinforces local distinctiveness.

Living conditions

9. The other half of this pair of semi-detached bungalows, No 50, has a conservatory and a small dormer window to the rear. The conservatory stretches well beyond the dormer at No 52 and 52's dormer is set away from it. Both continue to have largely open, southerly outlooks. Neighbours have also raised concerns about construction noise and the effects on privacy and light. The construction process, however, is largely finished and the as-built dormer has much the same impact on privacy and light as would the approved version.
10. I conclude that the appeal proposal has no significant effect on the outlook from No 50 next door, or cause any other material harm, and therefore preserves the living conditions at that property. The proposal also accords with the shared aims of LP policy HQ1 and the Framework, to avoid unacceptable adverse impacts upon nearby existing or permitted uses.

Conditions

11. As the development has largely been carried out, there is no need for the standard condition requiring a start within 3 years. Condition 4 now states the revised list of approved plans, as requested by the application. The appellant has not asked for any changes to the other conditions of the original permission. These are repeated here, to safeguard neighbours' privacy and local character and appearance.

Conclusion

12. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR