
Appeal Decision

Site visit made on 31 July 2023

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2023

Appeal Ref: APP/P0240/D/23/3323896

55 Jeans Way, Dunstable, Central Bedfordshire LU5 4PW

- 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 Christopher Dulice and Neomi Arewa against the decision of Central Bedfordshire Council.
 - The application Ref CB/23/00573/FULL, dated 14 February 2023, was refused by notice dated 15 May 2023.
 - The development proposed is the demolition of an attached garage and erection of a 2 storey side and single storey front extension.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an attached garage and erection of a 2 storey side and single storey front extension in accordance with the terms of the application Ref CB/23/00573/FULL, dated 14 February 2023, 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: Site Location Plan, 3687.22.1, 3687.22.2, 3687.22.3, 3687.22.5, 3687.22.6 and 3687.22.7.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) The extension hereby permitted shall not be occupied until the proposed parking area shown on drawing 3687.22.7 has been provided and surfaced in accordance with details including surface water drainage first submitted to and approved in writing by the local planning authority. The parking area shall thereafter be retained as approved and available for the parking of vehicles.

Main issues

2. The main issues are the effects of the proposal on:
 - i) The character and appearance of the house and the local area; and

- ii) Living conditions at the neighbouring property to the rear, 42 Kingsbury Avenue, with reference to the effect on outlook.

Reasons

Character and appearance

3. Nos 55 and 57 Jeans Way are a pair of semi-detached houses sitting next to the junction with Kingsbury Avenue, within a residential area. 55 and 57 appear to have been purpose designed for their corner plot, with wide frontages and shallow depths. In contrast, most of the other pairs of semi-detached houses nearby have narrower frontages and deeper plans. No 57 has a 2 storey extension to the side, next to Kingsbury Avenue, and a small single storey front extension. The proposal is to replace the garage at No 55 with very similar extensions to the side and front.
4. The Council's Central Bedfordshire Design Guide Supplementary Planning Document (DG) advises that side extensions should maintain at least a 1 metre gap to the side boundary, should be set back at least 300mm and should be lower than the main house. They should also respect the design of semi-detached houses as a matching pair. Small front extensions may be allowed where these echo the style of the house and neighbouring properties.
5. In this case, the proposed extension would be set well away from the side boundary, maintaining an open gap to the next house so that it would not appear cramped or crowded in the street scene. The side extension would not be set back at the front or set down at roof level, but this would mirror the form of the extension at No 57. The front extension would be small in scale and again would mirror the one at No 57. The proposal would therefore sit comfortably on the site. It would also restore the symmetry of the building, which although not an overriding consideration here, would be a minor benefit in design terms.
6. I conclude that the proposal would complement and not harm the character and appearance of the house and the local area. It accords with the shared aims of policy HQ1 of the Central Bedfordshire Local Plan 2015-2035 (LP), the DG and the National Planning Policy Framework (the Framework), to secure high quality design that reinforces local distinctiveness.

Living conditions

7. The Council's concern here is that the proposed 2 storey extension would be overbearing and cause an increased sense of enclosure to the occupiers of 42 Kingsbury Avenue to the rear. No 42 is set at right angles to Nos 55 and 57, which are fairly close to that house's side boundary. The extension would continue the line of 2 storey built form here, so that it would have some additional enclosing effect on No 42. The extension would, however, be located opposite the far end of No 42's rear garden, well away from the house including its rear conservatory. This separation is sufficient to ensure that the extension would not be overly dominant or overbearing in the outlook from No 42's windows and garden.
8. I conclude that the proposal would not significantly affect living conditions at 42 Kingsbury Avenue through any effect on outlook. No other objections have been raised in regard to this issue. The proposal also accords in this respect

with the shared aims of LP policy HQ1, the DG and the Framework, to avoid unacceptable adverse impacts upon nearby existing or permitted uses.

Other matters

9. I have considered the points about parking provision raised by a neighbour. The proposed plans show 2 off-street parking spaces at the property. This appears to adequately address the situation in principle and I see no reason why the details cannot be dealt with by condition, as suggested by the Council. I note that the street is relatively straight and level, with good visibility, a low speed limit and no parking restrictions. I see no overriding highway safety or traffic flow problems if the use of the extended property did lead to some increased demand for on-street parking.
10. I note that planning permission for a 1 bedroom detached dwelling of similar design was granted on appeal in 2017 (Ref APP/P0240/W/16/3150088). That permission now appears to have lapsed. I have assessed this proposal on its own merits, in light of current policies.

Conditions

11. I impose a condition specifying the relevant plans to provide certainty and another requiring the use of matching materials to protect local character and appearance. A condition requiring details of the proposed parking spaces, including the prevention of run off from the site into the public highway, is also needed in the interest of highway safety. I have amended the wording of the Council's suggested conditions in places, for clarity.

Conclusion

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

Les Greenwood

INSPECTOR