



Appeal Decision

Site visit made on 10 July 2023

by J N Seymour BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29.09.2023

Appeal Ref: APP/K0235/D/23/3318116

18 Wood Close, Biddenham, Bedford, MK40 4QG

- 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 Stuart Martin against the decision of Bedford Borough Council.
 - The application Ref: 22/02707/FUL, dated 10 January 2023, was refused by notice dated 1 March 2023.
 - The development is described as: 'Rear single storey extension'.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue of the appeal is the effect the proposed development on the living conditions of neighbouring residents.

Reasons

3. The appeal site comprises a semi-detached dwelling. The appeal proposal consists of a single storey rear extension that would occupy the full width of the property so that it would be adjacent to the common boundary with the adjoining property at number 20 Wood Close. A fence marks part of the common boundary, but for the majority, it is a hedgerow that separates the rear garden of the properties.
4. The appellant maintains that the extension would be permitted development if it were not for a covenant on the land, although details of the covenant were not provided. The Council's delegated report reveals a lawful development certificate, ref: 22/01118/HPN, was previously refused at the appeal site for an extension of the same size. Therefore, the provisions of General Permitted Development Order cannot be used as a justification for the appeal proposal in this case. In any event, I must assess the appeal proposal against the development plan and any material considerations on its individual merits.
5. Policy 30 of the Bedford Borough Local Plan (BBLP) states that developments should consider, among other matters, the relationship of the development with the context in which it is placed, and the quality of the development in terms of its scale, density, massing, height, materials and layout.
6. Whilst a single storey rear extension would not appear out of context, its relationship with the neighbouring property would be problematic due to its scale, height and proximity to the common boundary. This is because the

minimal boundary treatments that separate the rear gardens would create a situation where the rear extension would reduce the outlook currently enjoyed by neighbouring residents, causing them to feel hemmed in. The overall result is that the living conditions of neighbouring residents would be harmed to the extent the appeal proposal would conflict with Policy 30 of the BBLP.

7. A sunlight/daylight assessment was not submitted as part of the planning application or as part of the appeal documents. However, it is clear to me based on all of the available evidence that height, depth and positioning of the proposed extension right on the common boundary would result in a material loss of light to habitable rooms of 20 Wood Close, resulting in material harm to the living conditions of its occupants.
8. The Council have argued that the proposal would conflict with Policy 32 iv. of the BBLP, which states that attention should be given to factors which might give rise to disturbance to neighbours and the surrounding community, including overlooking, crime, and community safety concerns. However, there is no evidence that the extension would exacerbate any of these issues over and above the existing activities that currently take place in the appeal property. The proposed extension would not have any windows facing the neighbouring property; therefore it would not lead to harmful overlooking.
9. In conclusion, despite no conflict being found with Policy 32, the appeal proposal would conflict with Policy 30 of the BBLP that seeks amongst other things to ensure that development proposals take account of the principles of good design. In reaching this conclusion I have also had regard to the Council's Design Guide: Residential Extensions, New Dwellings and Small Infill Development.

Other Matters

10. The appellant has stated that the appeal property is occupied by four full-time NHS workers and the extension is needed to provide additional space for them. The occupation of those residing in the appeal property is not a material consideration in this case and the appeal must be determined on the basis that the occupants of the dwelling will inevitably change in the future.

Conclusion

11. For the reasons contained in this letter, I conclude that the appeal is dismissed.

J N Seymour

INSPECTOR