



Appeal Decision

Site visit made on 13 July 2023

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 5 October 2023

Appeal Ref: APP/P0240/W/23/3315482

1 Moreteyne Road, Marston Moretaine, Central Bedfordshire, MK43 0LG

- 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 Sohal against the decision of Central Bedfordshire Council.
 - The application Ref CB/22/03063/FULL, dated 21 September 2022, was refused by notice dated 23 November 2022.
 - The development proposed is a part single storey, part two storey rear extension to existing dwelling and erection of a dwelling with cycle stores in rear gardens and extend/widen driveway/crossover.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development taken from the decision notice and appeal form as this more accurately describes the proposed development.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - the effect of the development on the living conditions of neighbouring occupiers at 103 Bedford Road, with regard to outlook and sunlight; and
 - whether the proposed development would provide acceptable living conditions for future occupiers, in relation to outlook and daylight.

Reasons

Character and Appearance

4. The appeal site comprises a two storey semi-detached dwelling, with an existing single storey rear projection and a rear outbuilding. These are located in the rear garden. A parking area is located adjacent to the building in the side garden.
5. The immediate area of Moreteyne Road has a strong uniform streetscene, characterised by pairs of wide-fronted semi-detached properties set within generous garden areas. Due to the prevalence of open space between properties and in the frontages, and the limited height of single storey side extensions, the overall effect is one of spaciousness.

6. The proposed rear extension to the existing dwelling is unlikely to result in any significant harm to the of the character and appearance of the surrounding area, due to its limited size, low visibility and the prevalence of the similar extensions in the area.
7. However, the siting of the proposed dwelling would create a terrace of three houses, which would be at odds with the dominant pattern of built form. The new dwelling would be of a similar size and height to the existing property, resulting in a seamless building line, however, it would significantly elongate the terrace and thus, reduce the spaciousness of the street scene. Although a buffer space would be retained between the new dwelling and the adjacent neighbouring land, it would not be sufficiently large enough to address concerns regarding the failure of the appeal scheme to harmonise with the local character.
8. In reaching this view, I have considered the fact that the current gap between the existing dwelling and the gardens of adjacent properties (such as 103 Bedford Road) is larger than some of the other dwellings in the local area. Nonetheless, the comparatively larger size of the gap would not sufficiently mitigate the harm that would occur to the spaciousness of the street scene, noting particularly the size and height of the new dwelling. In this location, the proposed development would appear as a prominent and discordant feature which would be out of keeping with, and harmful to, the appearance of the local area.
9. The current frontage includes a hedge and gate, which contributes to the spacious and open setting of the area. The proposed parking arrangement would replace this frontage, with a denser, more built up arrangement at the frontage, which would include parking for four vehicles, two sets of secure cycle parking and two sets of waste storage. While some properties along Moreteyne Road no longer have hedgerows or boundary walls along their frontages, they are not a common feature of the properties in the area. Also, where parking of two vehicles occurs at other properties, this does not occur with the same density as the arrangement which has been proposed, as the new dwelling and existing dwelling would be directly adjacent to one another. In combination, the loss of the open boundary arrangement and replacement with a dense frontage would appear as a prominent and discordant feature which would be out of keeping with, and harmful to, the appearance of the local area. The appellant's suggestion to use a condition to alter the hedgerows and landscaping would not make the development acceptable, due to the other harmful features I have identified above.
10. In reaching this view, I have considered that the development known as 'Oat Piece' on Bedford Road has a higher density of development in comparison with the properties along Moreteyne Road. However, it is a self-contained residential terraced development which does not have a visually disruptive effect on the symmetry of housing. I have also considered that as a detached property, 29 Moreteyne Road, also deviates from the prevailing pattern of built form. However, in comparison with the proposed development, the design of this property does not have a detrimental effect on spaciousness due the retention of open space, resulting in a less dense form of development. I have also considered other properties in the vicinity, such as 3-5, 7-9, 6 – 12, 5-11, 31-37, 34-40, 101-103 Moreteyne Road, noting that these properties do not have the same visual density as the proposed development. Where the gap has been

reduced between properties, this has occurred through single storey extensions as opposed to the proposed new two storey dwelling. As such, I do not consider that there are any similar developments in the area which are useful comparators to the proposed development. I have also considered the fact that the proposed development would be of reasonable design quality, however, this would not overcome the issues I have identified above. In any event, I must consider the appeal scheme on its own merits, and in the context of the current policy regime which requires such additions to respond to local distinctiveness. Whilst the appeal site is not located within a conservation area, this does not undermine the requirement for the appeal scheme to respect local character.

11. In conclusion, the proposed development would harm the character and appearance of the surrounding area and would therefore not reinforce the local distinctiveness of the area, contrary to Policy HQ1 of the Central Bedfordshire Local Plan (2021). It would also fail to be sympathetic to local character or add to the overall quality of the area, contrary to Section 12 of the National Planning Policy Framework (2021). It would also not relate to the architectural conventions of the local character and context of the area, contrary to the Central Bedfordshire Design Guide (2014).

Living Conditions – 103 Bedford Road

12. Currently, the existing rear garden of 103 Bedford Road benefits from unobstructed sunlight, as the fence which separates the appeal site from this property is of a moderate height. Nonetheless, due to the location of the appeal site being to the west of 103 Bedford Road, their garden area would still benefit from unobstructed sunlight for a large part of the day. As such, there would be no significant overshadowing of built form from the proposed development, and thus it would not substantially diminish access to sunlight at this property.
13. However, in terms of outlook, the proposed dwelling would only be separated from the boundary with the rear garden of 103 Bedford Road by a narrow landscape buffer measuring approximately 1.2m wide. As a 2-storey dwelling, the height, size and siting of the scheme in this location would have a significant visual impact from the garden of no.103. No screening or vegetation exists along this boundary that would lessen this effect. Notwithstanding the relatively large size of the rear garden of 103 Bedford Road, the proposed development would still appear to be imposing, prominent and overbearing from most positions within this rear garden. This would be harmful to the living conditions of the neighbouring residents.
14. For these reasons, I therefore conclude that the proposed development would harm the living conditions of neighbouring occupiers at 103 Bedford Road, with regard to outlook. As a consequence, it would have an unacceptable adverse impact upon nearby existing uses, contrary to Policy HQ1 of the Central Bedfordshire Local Plan (2021). It would also fail to add to the overall quality of the area, contrary to Section 12 of the National Planning Policy Framework (2021). However, with regard to sunlight, the proposed development would provide acceptable standards. Of the policies and guidance which have been referred to by the Council, the above are the most relevant to the proposal before me.

Living Conditions – future occupiers

15. The views from the window in bedroom 2 on the first floor of the proposed dwelling would be enclosed from both sides by building projections, because of the location of other bedrooms. The plans indicate that these projections would flank both sides of the window by approximately 3 metres and would be of the same height as bedroom 2, as they serve other bedrooms in both the new dwelling and the rear extension of the existing dwelling. As such, the views from that window would be heavily constricted by the height and length of these projections. In terms of views below the window, the roof and skylight of the kitchen/day room would be immediately visible below. While there would be a gap of over 2m between the two-storey projections either side of the window, there would still be an overbearing effect on outlook from this window. As such, there would be a confined and enclosed outlook from this viewpoint.
16. While some loss of daylight would occur to this room, this would be relatively limited due to the south-facing orientation of the window. While the projections would limit the overall daylight available, I have seen no detailed evidence to persuade me that this loss of daylight would result in gloomy living conditions for the occupiers of the room. Accordingly, I am satisfied that the loss of light would not be significant or unacceptable.
17. In conclusion, the proposed development would not provide an acceptable standard of living accommodation for future occupiers, with particular regard to outlook. It would not result in high quality development, contrary to Policy HQ1 of the Central Bedfordshire Local Plan (2021). It would therefore not comply with the requirement for development to achieve well designed places, contrary to paragraph 130 of the National Planning Policy Framework. However, with regard to daylight, the proposed development would provide acceptable standards. Of the policies and guidance which have been referred to by the Council, the above are the most relevant to the proposal before me.

Other Matters

18. I have considered the benefits that would arise from the proposed development. The construction of a house on existing residential land may potentially divert development away from other land. Given the location, the appeal site is located close to existing services, shops and transport links. However, having taken these considerations into account and the proposed intensification of the residential use of the appeal site, I find that the benefits would be relatively limited. Given the scale and nature of the development proposed, these considerations do neither outweigh the harm I have identified nor the conflict with the development plan.

Conclusion

19. I have found that the appeal scheme conflicts with development plan policy and thus find that it would be contrary to the development plan as a whole. No material considerations have been demonstrated which would outweigh the planning development conflict. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR