

Appeal Decision

Site visit made on 1 December 2023

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/K0235/D/23/3329373

227 Castle Road, Bedford, MK40 3UB

- 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 Ben Beagent against the decision of Bedford Borough Council.
 - The application Ref 23/00854/FUL, dated 30 April 2023, was refused by notice dated 26 June 2023.
 - The development proposed is a rear extension to existing ground floor, conversion of existing garage to living space, extension of first floor over existing garage with small additional first floor extension to the rear.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant submitted revised plans with the appeal to address some of the concerns of the Council. However, these have not been considered by the Council or subject to any consultation. I am therefore unable to consider them in the context of this appeal since to do so would prejudice the rights of the Council and third parties. For the avoidance of doubt, the plans I have had regard to in determining the appeal are therefore those submitted with the original application and considered and refused by the Council.

Main Issues

3. There are two main issues. Firstly, the effect of the proposed first floor side extension on the character and appearance of the host dwelling and the street scene of Castle Road; and secondly, the effect of the proposed rear roof terrace on the living conditions of occupiers of 225 and 229 Castle Road with respect to privacy.

Reasons

4. The appeal dwelling is a traditional semi-detached house in an established street of similar dwellings. The dwellings, including the appeal dwelling, mostly have a single storey attached garage to the side. This results in a noticeable gap at first floor between the semi-detached pairs. The appeal dwelling is different in that its non-attached neighbour, No 225, is a detached house with a two storey side elevation within about 1m of the shared boundary. This results
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in the gap being noticeably narrower between the appeal dwelling and its neighbour. Other than at the ends of rows where dwellings abut the gardens of houses in adjoining streets, I did not see any first floor extensions above the garages so the gaps remain open and contribute to the regular and spacious layout of Castle Road.

5. The proposed first floor side extension above the existing garage would substantially close the gap between the appeal dwelling and No 225 at first floor. In addition, there would be no set back from the front elevation and the pitch of the extended hipped roof would be steeper than the original roof.
6. The loss of the gap would result in a cramped appearance that is out of keeping with the character and appearance of Castle Road. I accept that the gap at the appeal dwelling is already narrower than between other dwellings but this increases the need to maintain it in order to preserve the openness of the area. The almost flush front elevation would result in the extension failing to appear distinct from and subordinate to the host dwelling, and the steeper roof pitch would introduce an unsympathetic and incongruous design and would add to the cramped appearance of the development.
7. The appellant suggests that the Council has relied on outdated design guidance in respect of the gap between dwellings and refers to more recent guidance from 2023. However, this has not been submitted in evidence and I have no evidence to support the view that the Council's design guidance "Residential Extensions, New Dwellings & Small Infill Developments, 2000" (DG), and in particular Design Code E3, is no longer extant.
8. The appellant refers to examples of first floor extensions in Castle Road and nearby streets. However, in all cases a noticeable gap remains between dwellings. The proposed gap between the appeal dwelling and No 225 would, in contrast, be under 1m and decreasing further towards the rear of the site.
9. It is concluded on the first main issue that the proposed first floor side extension, owing to its siting and design, would have a materially detrimental effect on the character and appearance of the host dwelling and on the street scene of Castle Road. In consequence, it would conflict with Policies 28S, 29 and 30 of the Bedford Borough Local Plan 2030 (LP), adopted 2020, the DG and the National Planning Policy Framework (NPPF). Taken together and amongst other things, these require new development, including extensions, to be of the highest design quality in terms of scale, massing and layout such that they reflect the detailed character, including basic shape and roofscape, of the original building, contribute positively to the area's character and identity, respect the context in which they sit and promote local distinctiveness.
10. Turning to the living conditions of neighbours, the extensions would include a first floor roof terrace above the proposed single storey side and rear extension. The terrace is shown on the submitted plans and elevations as having a clear balustrade around 1m in height. It would be close to the shared boundary with No 225. From the terrace, which would provide ample space for sitting out, there would be direct views at close proximity into the private rear garden of No 225. In addition, there would be more distant and partially screened views to the garden of No 229. The proposed roof terrace would therefore result in

significant overlooking which would materially detract from the living conditions of occupiers of these dwellings as a result of loss of privacy.

11. The appellant states that he has worked with both immediate neighbours and that they have no objection to the roof terrace. Moreover, I note that no neighbour objections were made to the application. Nevertheless, the current occupiers may not remain in the neighbouring dwellings in the future and the planning system exists to protect the living conditions of both existing and future occupiers. Therefore, the Council was correct to consider living conditions objectively and in the context of potential future occupiers.
12. The appellant also draws my attention to a first floor rear roof terrace in a nearby street which appears to overlook neighbouring properties. However, I have no evidence regarding the planning status of this development. In any case, one example of a similar development would not amount to a justification to allow a harmful form of development elsewhere.
13. It is concluded on the second main issue that the proposed rear roof terrace would have a materially harmful effect on the living conditions of occupiers of 225 and 229 Castle Road with respect to privacy. In consequence, it would conflict with Policy 32 of the LP, Design Code E5 of the DG and with the NPPF. Taken together and amongst other things these expect new development to provide a high standard of amenity for existing and future users and avoid any factors which might give disturbance to neighbours, including through overlooking and loss of privacy.
14. Turning to other matters, the appellant explains that in designing the proposed extensions he consulted with immediate neighbours and took advice from planners working for other councils and amended his plans to take account of their views. He also sought and referred to examples of similar development in the local area. He is thus aggrieved that the Council, he says, would not discuss amendments to the submitted scheme or accept revised plans.
15. Clearly the appellant's efforts to engage with neighbours and to take advice from professional planners are to be commended. However, a council is required to judge a proposal objectively and in the context of the Development Plan for its area and other material considerations which may differ from those in other areas. Councils are required by the NPPF to work positively and proactively with applicants. In this case, the Council states that it offers a full pre-application service. It is not clear whether the appellant took advantage of this service.
16. In any case, whilst no objections are raised to the proposed single storey side or rear extensions or the garage conversion this does not alter or outweigh my findings regarding the harm that would be caused by the first floor side extension and rear roof terrace. Therefore, for the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR