



Appeal Decision

Site visit made on 1 December 2023

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 21st December 2023

Appeal Ref: APP/P0240/D/23/3327497

29 Atterbury Avenue, Leighton Buzzard, LU7 3LE

- 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 Me Ian Wells against the decision of Central Bedfordshire Council.
 - The application Ref CB/23/01734/FULL, dated 22 May 2023, was refused by notice dated 13 July 2023.
 - The development proposed is described as the retention of existing first floor timber balcony to rear with addition of brise soleil privacy screens and installation of French doors.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the application from the Council's decision notice as this more accurately describes the number of elements which make up the application. This description is also mentioned on the appellant's appeal form.
3. Upon my site visit I noticed that whilst the rear balcony had been erected, the privacy screens or the access door had not been installed. As such the scheme is partly retrospective and I have made my decision on this basis.

Main Issues

4. The main issues are the effects of the development upon:
 - The character and appearance of the existing building and the locality; and
 - The living conditions of surrounding occupiers, with particular regard to overlooking and privacy to Nos. 27 and 31 Atterbury Avenue.

Reasons

Character and appearance

5. The appeal site contains a detached dwelling which appears to date from the mid-late twentieth century along with other neighbouring dwellings fronting Atterbury Avenue. Dwellings within this area are generally detached and have relatively simple and functional designs being two storeys, pitched and gable roof forms with a single storey garage with flat roof in between. To the rear of dwellings there is evidence of extensions, generally in the form of single storey rear extensions which are generally subservient to the main dwelling. There is an element of cohesiveness in the layout and design of the dwellings in the

estate with similar designs, materials and garden layout which is part of the local character, distinctiveness and appearance of the area.

6. On my site visit I did not identify any of the dwellings in the nearby locality with rear balconies with this type of development being uncharacteristic of the area. The addition of the privacy screens to the sides of the balcony would also be incongruous and cause increased height, depth and clutter to the balcony, and would overcomplicate the quite functional and simple design of the existing building. As a result the balcony and the proposed screens would not be well integrated, enhance or reinforce the local character or distinctiveness of the area.
7. Given the above-mentioned factors, I conclude that the proposal would significantly harm the character and appearance of the locality. Consequently, the scheme would be contrary to Policy HQ1 of the Central Bedfordshire Local Plan (LP) (which seeks that local distinctiveness should be sustained through new development through an appreciation of built form, bulk, scale, height and massing) which is supported by the Central Bedfordshire Design Guide Supplementary Planning Document (SPD) which states that that extensions and alterations need to respond to the characteristics of the locality.

Living conditions

8. The properties adjoining are relatively open and whilst rear gardens are residential in nature, there are no similar balcony type areas at a first floor level. It is also noted that the SPD in relation to balconies states that first floor balconies can have a significant impact on the amenity of adjoining neighbours and should be avoided where this is likely. I can appreciate that the screens provided could limit some of the overlooking to adjacent residents on both sides, however this would not alleviate the overlooking, as well as not overcoming previous concerns relating to the visual appearance of the screening.
9. I am not convinced by comments from the appellant that a balcony would provide similar overlooking opportunities as to what is already experienced from rear windows at first floor level. There is a clear difference in the perception of overlooking and loss of privacy from persons sitting, associated gatherings or standing on a balcony for long periods of time as opposed to any overlooking caused, for example, from a rear window which would go largely unnoticed. Given the suburban environment, these changes to the perception of overlooking and privacy as a result of this development carry a significant impact to the living conditions of surrounding occupiers.
10. In conclusion on this matter, the scheme would cause significant harm to the living conditions of surrounding occupiers, as a result of overlooking and loss of privacy. Consequently, the scheme would be contrary to Policy HQ1 of the LP (which seeks that there are no unacceptable adverse impacts and amenity).

Conclusion

11. The appeal is therefore dismissed.

J Somers

INSPECTOR