



Appeal Decision

Site visit made on 19 December 2023

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 11 January 2024

Appeal Ref: APP/K0235/D/23/3330320

12A Galloway Close, Kempston, Bedford MK42 7DX

- 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 Mrs K Kaur against the decision of Bedford Borough Council.
 - The application Ref 23/01235/FUL, dated 7 June 2023, was refused by notice dated 28 July 2023.
 - The development proposed is single storey side extension.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mrs K Kaur against Bedford Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Government published on 19 December 2023 a revised version of the National Planning Policy Framework (the Framework). Neither the appellant nor the Council have made any further submissions regarding the revised Framework, and I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.

Main Issues

4. The main issues are:
 - The effect of the proposals on the character and appearance of the host dwelling and surrounding area
 - The effect of the proposals on the tree

Reasons

Character and Appearance

5. Galloway Close is a suburban, post war residential development, being made up of semi-detached houses, terraced houses and small bungalows. The development is arranged around areas of open space and set behind front gardens (some of which are particularly generous) and driveways with low boundaries. Collectively, this contributes to an open, spacious feel.

6. The appeal site, No12A, is a newly built, detached bungalow which is located on a plot of former garden land originally associated with No 21 Galloway Close. The principal elevation of No12A addresses White Lodge Close, with its driveway access is gained from Galloway Close and it is in a prominent location at a crossroads. The front garden of the property has a pedestrian access from the existing footway running from Galloway Close to White Lodge Close.
7. The appeal proposals would result in a significant extension to the side of the principal elevation of approximately 3m to create a 'family area'. This would reduce the area of side garden serving the property (there is no rear garden as such).
8. I note that efforts have been made to make the extension appear subservient where the proposed design would mimic the existing roof pitch, set in and slightly below the ridge of the host dwelling.
9. Looking at the block plan, it appears to me that the proposed extension would take up a large proportion of the side garden serving the property. However, I do note that the front garden would remain. I am aware that the Residential Extensions, New Dwellings and Small Infill Developments (RENDSID) (2000) under design codes E1 (Basic Shape and Scale) and E2 (Detailed Character) require scale to be a consideration and that design code E3 (Space Around Buildings) states that *'In most situations the total ground floor area of the extended house should be no more than one-third the size of the plot, with the remaining two-thirds being garden.'*
10. Policies 28S (Placemaking) (criteria i and ii), 29 (Design Quality and Principles) (criteria i and ii) and 30 (The Impact of Development – Design Impacts) (criteria i and ii) of the Bedford Borough Local Plan (2020) (LP) require new developments to be well designed, sympathetic and make a positive contribution to local character and that developments that fail to improve the character of an area will be resisted.
11. The appellant has not provided a measurement or % figure confirming how much undeveloped land within the plot would remain as garden (they do provide some measurements relating to the total plot area, but this appears to include the car parking area and driveway). I am therefore unable to be certain that the appellant's claim that a 'considerable' amount of garden land would remain is accurate.
12. Turning to the size of the extension and its effect more generally on the character and appearance of the wider area, given its prominent location, it would clearly reduce the open feel of the area. The scale and massing of the extended dwelling would, in my view be at odds with the scale and massing of adjacent dwellings on White Lodge Close, Galloway Close and the much smaller bungalows on Wenlock Road. Taken together with my concerns over the reduction in the open feel of the side garden, I therefore find conflict with the prevailing character of the neighbouring bungalows and houses which would offend Policies 28S (criteria i and ii), 29 (criteria i and ii) and 30 (criteria i and ii) of the LP and the relevant parts of the RENDSID.
13. The Framework at para 8 (the social objective) seeks *'well designed, beautiful... places'*, as well as para 131 and 135 which set out that development should be sympathetic to local character and appearance.

Other Matters

14. Condition 11 of the planning permission (LPA Ref 21/00166/FUL) for the construction of the appeal property removes some permitted development rights. This was undertaken on the exceptional basis that it was reasonable and necessary to control further development on the appeal site due to the potential for harm to character and appearance through overdevelopment.
15. The appellant, in their statement, points out that the proposed extension would be smaller than would be allowed under permitted development rights, had those rights applied. However, they clearly do not apply here because of condition 11 of the original permission, and I do not see that a 'fall back' position exists for the appellant in this regard.

Tree

16. The proposed extension is near a tree with (as the council describes it) high public amenity value. I note that whilst no tree report had been submitted with the planning application, it was subsequently submitted with the appeal.
17. I have considered the points made in the report and I agree that an appropriately worded planning condition could secure a replacement tree, if required.
18. I am therefore satisfied that the proposals would accord with Policy 39 (Retention of Trees) (ii) and (iii) of the LP which supports the retention of trees affected by proposed development where possible and para 136 of the Framework.

Conclusions

19. For the reasons given and having considered all matters raised, I conclude that the appeal is dismissed.

Sian Griffiths

INSPECTOR