



Appeal Decision

Site visit made on 2 January 2024

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 08 February 2024

Appeal Ref: APP/K0235/D/23/3325794

68 Hookhams Lane, Renhold, Bedford MK41 0JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Mr S Salim against the decision of Bedford Borough Council.
 - The application Ref 23/01114/HPN, dated 21 May 2023, was refused by notice dated 29 June 2023.
 - The development proposed is a rear single storey 8m deep extension following demolition of existing extension.
-

Decision

1. The appeal is allowed, and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (GPDO) for a rear single storey 8m deep extension following demolition of existing extension at 68 Hookhams Lane, Renhold, Bedford MK41 0JX in accordance with the terms of the application, Ref 23/01114/HPN, dated 21 May 2023, and the details submitted with it, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Preliminary Matters

2. There are two appeals at the same address¹, however the proposed development and the appellant differs. Whilst I conducted the site visit for both appeals simultaneously, I have considered each proposal individually on their own merits.
3. The decision notice includes references to policies of the development plan and a supplementary planning document (SPD). The principle of development is established through the grant of permission by the GPDO, and I am required to assess the proposal as a prior approval application as set out within the parameters of the GPDO. Regard can be given to development plan policies and the SPD insofar as they are material considerations, however they are not in themselves determinative.

Background and Main Issue

4. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted development) (England) Order 2015, as amended (the GPDO), planning permission is granted for the enlargement of a

¹ Appeal Reference: APP/K0235/D/23/3325796

dwellinghouse subject to the satisfaction of expressed limitations, restrictions and conditions.

5. One such, for the purposes of the appeal, requires an assessment to be made as to the effect of a given scheme on the amenity of any adjoining premises, considering any representations received. I note the previous appeal decision², however, the Council's concerns now primarily relate to the potential of the proposal to be overbearing for the occupiers of No 70 Hookhams Lane.
6. As such, the main issue is whether prior approval should be granted under Class A of Part 1 of Schedule 2 of the GPDO considering the effect of the proposal on the living conditions of the occupiers of No 70 Hookhams Lane with regard to outlook.

Reasons

7. No 70 is positioned to the south of the appeal site, with the land rising towards the appeal site in the north as well as the rear boundary in the east. No 70 benefits from an open outlook across its' large rear garden towards the open field beyond. The rear building line of the host property is set back from that of No 70 and due to the slope has an eaves level that is visible above the tall boundary fence.
8. Whilst the proposed extension would almost double the depth of the appeal property, it would maintain the eaves height as existing by recessing the extension into the ground. Although the eaves level would be higher than that of No 70, due to the slope of the land, the height of wall visible above the existing boundary fence would reduce as the distance from the original rear building line increased. Despite the substantial length of the proposal along the boundary and the proximity of the rear corner, it would only minimally protrude above the fence and would not appear as a dominant feature when viewed from the rear facing windows or the garden itself. As such it would not detract from the open outlook of No 70.
9. Consequently, I conclude that the proposal would not harm the living conditions of the occupiers of No 70 Hookhams Lane with regard to outlook. Insofar as they are a material consideration, the proposal would accord with Policies 30(ii) and 32(iv) of the Bedford Borough Local Plan 2030 (January 2020) which together seek to ensure that development is of an appropriate scale, height, and layout so as not to give rise to disturbance to neighbours. The proposal would also accord with the Residential Extensions, New Dwellings & Small Infill Developments SPD (January 2000) which requires extensions to not have an overbearing effect on other properties.

Other Matters

10. Interested parties have raised further concerns regarding living conditions, including loss of light and privacy. However due to the slope of the land, the relative position of the surrounding properties in relation to one another and the intervening boundary treatments, I am satisfied that the proposal would not result in a harmful loss of light internally or externally nor would it have a detrimental effect on privacy.

² Appeal Reference: APP/K0235/D/22/3293873

11. I note the other matters raised by interested parties. However, issues relating to flooding and drainage as well as character and appearance are outside the terms of the Class A procedure. I am therefore unable to give weight to these matters.
12. The council has raised concerns regarding inaccuracies within the submitted drawings. However, when combined with the site visit, the submitted drawings provide enough detail to understand the proposal and any prior approval granted will be limited by the restrictions and conditions as set out in Class A of the GPDO.

Conditions

13. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in sections A.3 and A.4. This includes the requirement for the exterior materials to be similar to those used in the construction of the exterior of the existing dwellinghouse and that the development is carried out in accordance with the details and plans submitted as part of the application to the local planning authority. In my view, no further conditions are necessary.

Conclusion

14. For the above reasons, I conclude that the appeal should be allowed, and prior approval granted.

K Allen

INSPECTOR