



Appeal Decision

Site visit made on 18 April 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2024

Appeal Ref: APP/K0235/D/24/3340553

Meadowview House, 60 Green End Road, Kempson, Bedford MK43 8RJ

- 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 P Garcha against the decision of Bedford Borough Council.
 - The application Ref 23/01294/FUL dated 22 June 2023, was refused by notice dated 20 December 2023.
 - The development proposed is double storey front extension and amendment to roof over existing annexe. Change of facing materials.
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Decision

1. The appeal is allowed, and planning permission is granted for double storey front extension and amendment to roof over existing annexe. Change of facing materials at Meadowview House, 60 Green End Road, Kempson, Bedford MK43 8RJ in accordance with the terms of the application ref: 23/01294/FUL dated 22 June 2023 subject to the following conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 44323_02 Rev 02 (Proposed Arrangements – Sheet 2 (elevations)), 44323_01 Rev 02 (Proposed Arrangements – Sheet 1 (proposed floor plans)) and site block plan (included within Proposed Arrangements Sheet 3 – 44323_03 Rev 02);
 - 3) No development above slab level shall take place until full particulars of the external materials to be used (including walls, roof, doors, windows, rooflights, external gutters and pipework) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details;
 - 4) The new first floor window in the right-hand elevation (serving the bathroom) as shown on the approved plans shall be obscurely glazed and top opening only and shall be maintained as such for the lifetime of the development.

Main Issue

2. The main issue is the impact of the proposal upon the pattern of development and character of the area.

Reasons

3. The appeal site is a detached dwelling which stands within a generous sized plot with access being via a gated driveway, from Green End Road, with the dwelling itself being set back from the road by in the region of 60 metres. The Council's description of the site states that the proposal is visible from the main road and from the footpath to the south. The footpath, to the south of the site, I find largely is separated from the appeal site in terms of distance as well as well-established groups of trees and vegetation which break up direct views of the proposals from the footpath in question. Directly in front of the property there are only glimpsed views available with a full view of the front elevation only possible once you are through the gates on the driveway and when stood in front of the parking area, within the appeal site, which is to the left of the entrance. The site is therefore only partly visible in brief, glimpsed, views from Green End Road itself, due to the presence of trees and notable set back. I find that any visibility from the stated vantage points is, realistically, generally limited.
4. The appeal site has already undergone various changes over time and is already largely rectangular in shape. I do not find the proposal for a two-storey front extension to connect the main dwelling to the front annex (albeit it would overall extend the depth of the property and footprint) to conflict with the existing pattern of development. The pattern of the development within the area is sporadic and the character and appearance of surrounding development is highly varied. Whilst I note, from my site visit, that there are a large number of irregular building shapes and staggered development, I find that the host dwelling, as it stands today, could already be considered to be at odds to some extent with the prevailing character of the immediate area (as a result of its clean, modern design and already on a large rectangular footprint).
5. The Council's delegated report, and refusal reason, states that the existing pattern of development is characterised by staggered development, irregular building shapes and generous spacing between the properties which contribute positively to the rural nature of the area. Whilst the proposal would, evidently, add notable bulk to the host property it would not, realistically, change the overall development pattern due to the notable set back from the road and the built form of the dwelling, closest to Green End Road, remaining as the existing annex to the front of the host dwelling. Furthermore, I do not find that the proposal would negatively impact upon the generous spacing between properties nor conflict with any of the characteristics which the Council note as positively contributing to the nature of the area.
6. The Council confirm that the design aesthetic is not a reason for refusal, and I find no reason to consider differently in relation to design. As a result of what I saw at the time of my site visit, I do not find that by virtue of its form and scale that the development would strongly conflict with the existing pattern of development nor cause harm to the rural character of the area by way of overdevelopment. I note that adjacent properties generally have more characterful, irregular footprints, in contrast with what is proposed, however, the extension seeks to extend the front elevation of a dwelling which is already a contrast to properties within the vicinity. Nearby properties may well be smaller in scale, however, I find that the appeal property is already an anomaly in the overall locality and whilst the proposal would increase the overall footprint, bulk, scale and massing I do not find that the proposals would

conflict with any of the characteristics which the Council have outlined as being of importance for the nature of the area more so than the existing dwelling if the appeal was to fail.

7. The proposal would be consistent with Bedford Borough Local Plan, (Adopted 2020) (LP) Policy 28S(i) and (ii) which requires development to be of a high quality in terms of design and to promote local distinctiveness and to have a positive relationship with the surrounding area, integrating well and complementing the varied character of the area in which development is located. The proposal would also be consistent with LP Policy 29(i) and (ii) which shares similar objectives and LP Policy 30(i) and (ii) which require attention to varying considerations including the context within which a development is placed, including overdevelopment, and the quality of the development in terms of scale, density, massing, height, materials and layout and LP Policy 66(v) and (vi) which supports proposals for extension where the extension reflects the architectural character, size and scale of the original dwelling and the proposal has no adverse effect on the character and appearance of the area.
8. In relation to the size and scale of the original dwelling, the Council's refusal reasoning, and refusal reason, does not directly raise any issue in the relation to the proposal with specific regard to architectural character, scale, and size of the original dwelling. Reference is made to the overall footprint in relation to the size of the dwelling as it existed in 2016, however, given the extensive changes which have been outlined to the original dwelling as it stands, I do not find that such reasons would warrant refusal at this stage.
9. The proposal would also be consistent with the Council's Adopted Supplementary Design Guidance (Residential Extensions, Newer Dwellings and Small Infill Developments) – January 2000, where design code E1 outlined that in rural areas it is particularly important that there should be no adverse effect on the rural character and appearance of the area. Whilst I note guidance in relation to scale and siting of the original dwelling (as outlined above) the overarching objective of the guidance is to protect the character and appearance of a rural area. For the reasons I have outlined above, I find that the host dwelling is already unique in the context of its immediate surroundings which, combined with limited visibility and significant setback from the road is acceptable in terms of the overall character of the area.

Other Matters

10. Whilst the Council's questionnaire, as outlined below, suggests three conditions I note reference to further condition suggestions within the Council's delegated report that have not been carried forward. The first relates to a minor amendment to remove the railing above the portico and a condition imposed to prevent the area above the portico being utilised as a balcony, in the interests of neighbouring privacy. Despite this the bedroom in the front extension indicates a window, not a door, to the area above the portico with any approval subject to conditions requiring compliance with the approved plans.
11. The space above the portico is minimal in the context of the overall development and any view, from within this space, I do not find would be notably more intrusive for neighbouring properties than the general views available from the proposed bedroom windows over/adjacent to the area over the portico. Based upon this, and the fact that the Council raise no issue with

the railing as a design feature, I do not consider such conditions reasonably necessary. The plans are not put forward with intent for use as a balcony, with no door for access, and I must consider the proposals as they are submitted before me.

12. There is a side facing window in what is currently shown as bedroom three, however, this window is not part of the proposed development which is before me within this appeal but is instead part of the existing dwelling. This does not, therefore, fall within the scope of this appeal. Any discrepancies with previous permissions are also beyond the scope of this appeal.

Conditions

13. The Council have suggested three conditions, within their questionnaire. which I have considered and applied as appropriate. A time condition is attached to comply with Section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent.
14. A condition relating to materials is required to ensure an appropriate finish in the interests of visual amenity, however, I do not find that this reasonably needs to be a pre-commencement condition. The condition I have applied, as worded, requires approval of external materials prior to work above slab level which I find would allow the appellant to commence work/schedule ground works whilst external materials are submitted and approved without causing unnecessary delay to the implementation of the permission.
15. There is a new window, serving a bathroom, in the side elevation (right elevation) of the proposal that would face directly towards the neighbouring garden. In the interests of neighbouring privacy and to prevent overlooking, I consider it reasonable to apply a condition requiring this window to be obscurely glazed and top opening only.

Conclusion

16. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR