



Appeal Decision

Site visit made on 20 June 2024

by Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2024

Appeal Ref: APP/P0240/D/24/3341506

67 Bedford Road, Barton-le-Clay, Bedfordshire MK45 4LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Belony against the decision of Central Bedford Council.
 - The application Ref is CB/24/00216/FULL.
 - The development is two storey side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (2023) (the Framework). The consultation and draft Framework do not constitute Government policy or guidance. However, they are capable of being material considerations in appeals. Notwithstanding this, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of the consultation.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on (i) the character and appearance of the area; and (ii) the living conditions of occupiers of Plot 4.

Reasons

Character and Appearance

4. The appeal site is within a built-up area, set back from the highway behind a site which at the time of my site visit was in the process of being developed for residential¹ units, this is referred to as Plot 4.
5. The site is in a predominantly residential area within the Barton-le-Clay Conservation Area and is within the setting of a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires decision makers, when considering whether to grant planning permission, to have special regard to the desirability of preserving the

¹ Planning Ref: CB/23/03296/FULL

- listed building or its setting or any feature of special architectural or historic interest which it possesses.
6. Paragraph 205 of the Framework states that great weight should be given to the conservation of a designated heritage asset when considering the impact of a proposal on such an asset. This is irrespective of the level of harm.
 7. The Central Bedfordshire Design Guide (2023) (the Design Guide) confirms that side extensions can have a significant impact on the street scene and that gaps between detached or semi-detached houses are an important characteristic and their infilling with side extensions can impact upon the character and appearance of the area. The Design Guide states that a minimum 1m distance from the common boundary should be maintained at first floor height.
 8. Whilst the proposed development does not retain a 1m distance from the common boundary, the orientation of the appeal property is at a right angle to the property being developed on Plot 4, a separation would be retained between the two built forms. As such the proposed development would adhere to the aims of the Design Guide, to amongst other things avoid terracing and maintain separation between properties.
 9. The proposed development would be hard up to the boundary this is not an unusual relationship. Notwithstanding this in relation to the existing property the proposed development would be set back slightly from the front elevation. Given the height which is not dissimilar to the main ridge height and lack of meaningful set back the extension would not appear subservient to the existing property and would detract from the pleasant façade of the appeal property.
 10. I conclude that the proposed development would harm the character and appearance of the area.
 11. There is conflict with Policy HQ1 and HE3 of the Central Bedfordshire Local Plan 2015-2035 (2021) which seeks amongst other things to protect heritage assets and ensure developments are of the highest possible quality and respond positively to their context.
 12. The proposed development conflicts with the Design Guide which confirms that all alterations and additions to existing buildings should relate well to the character and context of their surrounding area.
 13. There is conflict with the Framework which seeks amongst other things to ensure developments are of good design appropriate, sympathetic to their surroundings and protects heritage assets.
 14. The Council have drawn my attention to a dismissed appeal detailing a ground floor extension for the site of the property and first floor side extension². I have not been provided with details of this scheme to enable a comparison to the proposal before me. Notwithstanding this each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.

Living Conditions

15. The proposed development would be located adjacent the common boundary with Plot 4. The rear elevation of the property on Plot 4 would face towards

² APP/P0240/D/12/2175666

the proposed development, with a modest area of private amenity space separating the built forms. Due to the reduced separation distance the proposed development would be dominant and overbearing to the occupiers of Plot 4.

16. A window is proposed to the side elevation at first floor, whilst this would be closer to the common boundary than the existing building which has two windows serving bedroom 3, this would not exacerbate the current situation in terms of overlooking and loss of privacy to the private amenity space of the future occupiers at Plot 4.
17. Nevertheless, I conclude that the proposed development would harm the living conditions of occupiers of Plot 4.
18. The proposed development would conflict with Policy HQ1 of the Local Plan, which seeks amongst other things to protect the amenity of neighbouring residents.
19. The proposed development conflicts with the Design Guide and the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Conclusion

20. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR