

Appeal Decision

Site visit made on 3 September 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2024

Appeal Ref: APP/K0235/W/24/3341430

14 Williamson Road, Kempston, Bedford MK42 7HA

- 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 G Basi against the decision of Bedford Borough Council.
 - The application Ref is 22/01893/FUL.
 - The development proposed is new attached dwelling to form end terrace.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. I am also aware of the consultation draft from July 2024. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. References to paragraph numbers in this decision relate to the December 2023 version of the Framework.

Main Issues

3. The main issues are:
 - a) Whether the proposal would provide acceptable living conditions for the future occupants having particular regard to the provision of outdoor amenity space,
 - b) The effect of the proposed development on the character and appearance of the area, and
 - c) The effect of the proposal on the living conditions of the neighbouring property at 16 Abbott Crescent having particular regard to overlooking.

Reasons

Living conditions – future occupants

4. The proposed extension would enlarge the existing dwelling to the side and to the rear. Whilst the internal floorspace to the proposed dwelling would

accord with the Nationally Described Space Standards for a two bedroom four person home, the rear part of the extension would project into the back garden. This garden is already fairly shallow in depth for the existing dwelling.

5. The proposed dwelling would be offered a shallower garden than presently exists due to the rear projection of the extension in addition to a reduced width. The depth of the garden would be significantly shallower than that mandated within the Bedford Borough Residential Extensions, New Dwellings and Small Infill Developments (RENDSID) which nominates a typical depth of 13 metres. Although I have only regarded this document as guidance in this context, it is a clear indication that the garden proposed here is of a substandard size for the size of the dwelling it would serve.
6. I therefore conclude that the proposed dwelling would result in an unsatisfactory level of outdoor amenity space for the future occupants. This would be contrary to policy 2S and 30 of the Bedford Borough Local Plan (BLP) and Design Code N3 of the RENDSID. These policies require particular attention to be given to the quality of the development including the provision of private space.

Character and appearance

7. The appeal site presently comprises a brick built semi-detached home under a tiled roof. It benefits from a reasonable set back from the road and a notable distance to the side boundary. In this regard, it is not dissimilar to other properties in the locality. These are varied but are often semi-detached in a similar arrangement. There are further examples of terraced rows of homes and a few flat blocks.
8. Commonly these all feature generous front gardens and ample distance from the side walls to the boundaries. Most gardens are laid to lawns and often feature front boundary hedges. This gives the area a fairly open aesthetic which is rarely impinged upon by more recent extensions to the sides or hardstanding areas to the front. A common exception to this is a fairly high number of single storey side extensions in a variety of formats. Two storey side extensions are rare, nevertheless they do exist.
9. I am concerned about the extent of hardstanding to the front of the dwelling. The existing driveway would be replaced by space for four vehicles and this would have a deleterious effect on the green and open front gardens which are a distinctive feature of the area. Not only would this remove the existing front hedging, it would further preclude the possibility for replacement as it would be required for vehicle access. In this regard, the proposal does not comply with policies 28S, 29 and 30 of the BLP, design codes N1 and N3 of the RENDSID and provisions of the Framework. When read together these policies require development to be of the highest design quality and contribute positively to the area's character and identity.
10. The creation of a two storey side extension in this location would be the first amongst this style of homes to be formed between neighbouring dwellings. The example cited, 16 Harter Road, is to the side of an existing dwelling where it abuts a road. Therefore, any semblance of reducing the open and spacious character is lessened in this example. Furthermore, the area the

extension occupies at Harter Road is substantially wider and larger than that at 14 Williamson Street.

11. Whilst this loss of spacious character is not the most welcome change as, if repeated at other similar properties, it would have a notable effect on the overall character of the area. Nevertheless, I must also be mindful that the area is not a Conservation Area, nor is it subject to any other special designation. The extension has been designed to maintain a gap of 1.5 metres to the boundary at first floor level which does accord with the guidance in the RENDSID and this ensures it would not appear cramped. I can also find no other adverse effects, from a design perspective, which otherwise integrates satisfactorily with the existing building.
12. For these reasons, I conclude that the proposed extension to form a new dwelling would not be harmful to the character and appearance of the area. It therefore complies with 28S, 29 and 30 of the BLP, Codes N1 and N3 of the RENDSID and provisions of the Framework.

Living conditions – neighbouring residents

13. As I have highlighted above, the existing property does feature a relatively short garden. The same also applies to the properties at the rear which address Abbott Crescent. Indeed, these properties feature even shorter rear gardens. As a consequence of this fairly intimate arrangement, the rear facing windows to houses addressing both roads are quite close and an elevated aspect is provided from windows at first floor level in both directions. Nevertheless, I do recognise that this is an existing situation.
14. The rear projecting extension would feature first floor windows that would be closer to 16 Abbott Crescent. According to the Council this would breach the minimum 18 metre back-to-back distance nominated by Code N5 of the RENDSID for such arrangements, albeit only by a modest degree and not for the entirety of the back-to-back distance. I have no reason to disagree with this assessment and do note that as the two rows of homes are not perfectly parallel, this distance does moderately increase for much of the back-to-back distance.
15. In view of the existing situation where there are fairly high levels of overlooking between properties that back onto each other and that the RENDSID is supplementary guidance, I do not find that there would be a significant increase in overlooking towards neighbouring properties that would result in detriment to their privacy or living conditions. In this regard, I conclude that the development complies with policy 32 of the BLP and Code N5 of the RENSIND, which seek to protect these matters.

Conclusion

16. The proposal conflicts with the development plan insofar as it provides inadequate outdoor amenity space for the future occupants and the extent of hardstanding to the front would be harmful to the character of the area. However, the side extension would not be detrimental to the character and appearance of the area and there would be no adverse effect on the living conditions of neighbours due to increased overlooking. The material

considerations do not indicate that the appeal should be decided other than in accordance with the development plan.

17. For the reasons given above the appeal should be dismissed.

Nick Bowden

INSPECTOR