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## Appeal Decision

Site visit made on 12 November 2024

**by B Astley-Serougi BA(Hons) LLM MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26<sup>TH</sup> November 2024**

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**Appeal Ref: APP/K0235/D/24/3339975**

**6 Queensbury Close, Bedford MK40 4RE**

- 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 & Mrs Akhtar against the decision of Bedford Borough Council.
  - The application Ref is 23/02583/S73A.
  - The development proposed is single storey side extension, first floor rear extension with associated internal alterations and loft conversion with rear apex dormer.
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### Decision

1. The appeal is dismissed insofar as it relates to the first-floor rear extension with associated internal alterations and loft conversion with rear apex dormer.
2. The appeal is allowed and planning permission is granted insofar as it relates to the single storey side extension at 6 Queensbury Close, Bedford, MK40 4RE in accordance with the terms of the application, Ref 23/02583/S73A so far as relevant to that part of the development hereby permitted.

### Preliminary Matters

3. The description of development on both the application and appeal forms reference 'retrospective/regularisation' this is not a form of development. I have removed words not in relation to acts of development.
4. The application form states that the development began in September 2023. I saw during my site visit that the single storey side extension had been completed. This appears to be in accordance with the plans before me. I have therefore considered the appeal on the basis that this element of the development has already taken place.

### Background and Main Issues

5. The Council refers only to the first-floor rear extension and loft conversion with rear apex dormer in their reason for refusal. Therefore, the main issues are the effect of the first-floor rear extension, loft conversion and rear apex dormer on:
  - The character and appearance of the surrounding area.

- The living conditions of the future occupants of 6 Queensbury Close with regard to outlook.
- The living conditions of the neighbouring occupiers of 8 Queensbury Close with regard to outlook, daylight and sunlight.
- The living conditions of the neighbouring occupiers of 173 Hurst Street with regard to privacy.

## **Reasons**

### *Character and Appearance*

6. The appeal site is located in a predominantly residential area of Bedford. Queensbury Close is characterised by two-storey dwelling houses. The roofscape on the close is relatively uniform in nature.
7. 6 Queensbury Close (No 6) is an end of terrace dwelling and the proposed rear dormer would span the majority of the width of the appeal property. Consequently, the dormer would result in a bulky, prominent and conspicuous addition to the uniform roofscape of the Close. Whilst the proposal is for a rear dormer it would still be visible from the public highway due to the gap in the built form between 12 and 14 Queensbury Close as well as by occupants of nearby properties.
8. The appellant has cited a fall-back position regarding the ability to construct a rear dormer under Class B of the Town and Country Planning (General Permitted Development)(England) Order 2015. However, the Council have stated that the housing estate of which No 6 is a part has had permitted development rights removed. Consequently, the fall-back position is not valid.
9. In conclusion, the proposal would harm the character and appearance of the surrounding area. Therefore, it would conflict with Policies 28S, 29 and 30 of the Bedford Borough Local Plan 2030 (BBLP) insofar that these policies seek, amongst other things, to ensure development is of a high-quality design whilst integrating and complementing the character of the surrounding area.

### *Living Conditions of Future Occupants*

10. The first-floor rear extension would provide a bedroom with an obscurely glazed, fixed at lower-level window. This would result in the occupant of the bedroom having an inadequate level of outlook from the sole window serving this bedroom. Whilst the occupant would have use of other spaces in the dwelling this does not justify the less than adequate level of outlook in the proposed bedroom.
11. Obscure glazing does not prevent light from entering the room and consequently the proposed window would still provide an adequate level of light for future occupants.
12. Nevertheless, considering the harm I have identified above regarding outlook, the appeal scheme would fail to provide adequate living conditions for any future occupants of the proposed bedroom. Accordingly, the proposal would conflict with Policies 28S, 29 and 30 of the BBLP insofar that

they seek to ensure, amongst other things, good design and that as a result adequate levels of amenity are enjoyed by future occupiers.

*Living Conditions of 8 Queensbury Close*

13. The adjoining dwelling known as 8 Queensbury Close (No 8) has a first-floor bedroom window which is near the shared boundary with No 6. The proposed first-floor rear extension would project approximately 2m from the existing rear elevation of No 6. This would result in a prominent extension that would substantially reduce the degree of outlook from the bedroom with a resulting undue sense of enclosure.
14. Additionally, due to the scale of the proposal and its proximity to the shared boundary it would also create an undue sense of enclosure for the occupants of No 8 at ground level. This is further supported by Design Code E7 of the Residential Extension, New Dwellings and Small Infill Developments 2000 (RENSID) which states that an extension should '...not have an overbearing effect on another property because of its scale, massing and proximity'. Although the RENSID has the status of guidance and not policy, it provides a robust and consistent basis for decision making.
15. The rear elevation of 12 Queensbury Close is stepped back from the rear elevations of Nos 6 and 8. However, considering the position of the windows on the rear elevation of No 8, the lack of built form on the boundary with No 12 would not justify the harm that I have identified above regarding the depth of the proposal and the resulting undue sense of enclosure for the occupants of No 8.
16. Whilst the Council consider that there would be no loss of light to the ground floor rear windows of No 8, given the large scale of the appeal scheme and the orientation of the houses, it would still result in the significant loss of daylight and sunlight to the rear garden amenity space of No 8.
17. In summary, the appeal scheme would result in the loss of daylight and sunlight in the rear garden amenity space as well as create a significant sense of enclosure for the occupants of No 8. Accordingly, it therefore conflicts with Policy 32 of the BBLP. This policy seeks to ensure, amongst other things, that the impact of development does not adversely effect and disturb neighbouring residents.

*Living Conditions of 173 Hurst Street*

18. The rear garden of 173 Hurst Street (No 173) is toward the rear of the appeal property. The windows at first floor would be obscurely glazed and fixed shut at a lower level and the rear dormer would result in the addition of two windows at a higher level.
19. The first-floor windows would be closer to the rear garden of No 173 due to the projection of the appeal scheme and whilst the windows would be obscurely glazed and top-opening only they would still result in the sense of overlooking and consequently a lack of privacy for the occupant of 173 when using the external garden space. Moreover, the addition of two windows (albeit one would be obscurely glazed) to the rear dormer would further add to the sense of overlooking and loss of privacy, particularly

given the height of the dormer and consequently these windows. Furthermore, the existing tree would not provide adequate screening to mitigate the harm as a result of these windows.

20. The development would result in the reduction of the separation distance between the appeal property and No 173. Therefore, it would not accord with the guidance highlighted in Design Code E5 of the RENSID.
21. The appellant has sited the ability to add a window on a rear dormer via permitted development rights. However, as I have identified previously, the appeal dwelling does not have permitted development rights and consequently this is not a valid fallback position.
22. My attention has been drawn to a decision by the Council to grant planning permission for a two-storey rear extension at 28 Connaught Way, Bedford<sup>1</sup>. I do not have the full details of this scheme before me. Accordingly, I cannot be certain that it is wholly comparable to the appeal scheme. However, the scheme at 28 Connaught Way was determined in 2017 and thus was assessed against a previous Local Plan. Nevertheless, each application is determined on its own merit.
23. In conclusion, the appeal scheme would result in harm to the privacy of the occupants of 173 Hurst Street and therefore would conflict with Policy 32 of the BBLP which seeks to ensure that the impact of development does not adversely effect and disturb neighbouring residents.

### **Other Matters**

24. Interested parties have highlighted concerns regarding the single storey side extension in relation to the use of a path, vehicle turning space and access to other garages. Whilst the single storey side extension is close to other garages, there is no compelling evidence before me to suggest that it results in an adverse impact upon the turning circle for vehicles and consequently access to other garages. Concerns regarding the increased use of a shared pathway are a private matter and are therefore not under my jurisdiction in this appeal. Additionally, the Council did not raise concerns regarding these matters. I find no reason to disagree with its conclusions on these matters.
25. The single storey side extension is clearly severable from the rear dormer and first-floor rear extension, as it is physically and functionally independent. Therefore, under section 79(1)(b) of the Town and Country Planning Act 1990, I have the power to issue a split decision in this case.

### **Conditions**

26. As the construction of the single storey side extension has already taken place, conditions relating to a time limit for construction, compliance with plans and materials are not necessary.

### **Conclusion**

27. The appeal proposal includes two different elements. I have concluded the addition of a first-floor rear extension and rear dormer would result in harm

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<sup>1</sup> Planning Application 15/03023/FUL

to the character and appearance of the surrounding area, to the living conditions of future occupants as well as to the living conditions of the occupants of 8 Queensbury Close and 173 Hurst Street. However, I have concluded the construction of the single storey side extension does not have an adverse impact on the character and appearance of the surrounding area, nor the living conditions of future occupants or neighbouring residents.

28. For the reasons given above the appeal should be allowed in part and dismissed in part.

*B Astley-Serougi*

INSPECTOR