



Appeal Decision

Site visit made on 3 January 2025

by **J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24TH January 2025

Appeal Ref: APP/P0240/D/24/3352422

2 Bradford Way, Toddington LU5 6EE

- 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 Kevin & Loretta O'Brien against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/01409/FULL.
 - The development proposed is erection of a first floor side extension and single storey side extension, addition of hipped roof to existing integral garage, alterations to fenestration and replacement of hanging tiles with Cedral weatherboarding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development indicates that the current proposal is an alternative to an approved extension under reference CB/23/02388/FULL.
1. A revised version of the National Planning Policy Framework was published on 12 December 2024. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

Main Issues

3. The main issues are the effect of the first floor side extension on the living conditions of the occupiers of No 59 Dunstable Road, with regard to outlook and natural light; and the effect of the flat-roofed element of the first floor side extension on the character and appearance of the host dwelling and the surrounding area.

Reasons

4. The appeal property is a two storey detached dwelling in a residential road of similar dwelling types. The surrounding area is residential in character.

Living conditions

5. The appeal property and No 59 are next to the junction of Dunstable Road with Bradford Way. Consequently, their angled layout means that the side extension would be close to No 59's rear boundary. The Council's and neighbouring occupiers' concerns in this regard are the effects on the outlook from and light to the property's rear windows. No 59 also has a garden patio area close to the shared boundary.

6. Comparison with the approved extension is relevant as this includes a similar upper floor element and there is no reason to suggest that this would not be implemented as a 'fallback' to the current proposal in the event of the appeal's failure.
7. The approved and proposed extensions are of the same depth. The approved extension has a hipped roof, while the appeal proposal would have a smaller hipped element, which would be wider than the approved extension. The other difference is that the rear part of the extension closest to No 59 would have a flat roof.
8. The flat-roofed element would be positioned at the same depth as the approved extension and, therefore, of the same proximity to No 59. The lower roof profile of the appeal proposal means that the effects on the outlook from and natural light to No 59 would not be materially different to the effects of the approved extension. While the hipped roof element in the appeal scheme would be wider, the difference would be limited. Moreover, it would be set further back than the flat-roofed element and, therefore, not as close to No 59's rear elevation and patio area. The limited extent of the additional built form combined with its set back from the boundary means that there would be no materially different effects for No 59's occupiers compared to the approved extension.
9. Therefore, for these reasons, I conclude that the proposed first floor side extension would not have an unacceptably harmful effect on the living conditions of the occupiers of No 59 Dunstable Road. Consequently, the proposal is not contrary in this regard to Policy HQ1 of the Central Bedfordshire Local Plan 2015-2035 (2021), which requires high quality development, including that proposals will not have an unacceptable adverse impact upon nearby existing or permitted uses.
10. I note with regard to this issue that neighbouring occupiers refer to the 'right to light', but this matter is outside the scope of this appeal, which is concerned with the planning merits of the proposal.

Character and appearance

11. The Council's principal concern is the flat-roofed element of the first floor extension. All other elements of the proposal are acceptable and I consider that they would not be harmful.
12. The upper floor side extension would be seen in profile from the public realm to the west of the appeal property, particularly the footpath next to the roundabout. From these views the upper half of the existing gable end of the appeal property is prominent, while the flat-roofed single storey garage is not readily seen. The existing built form reflects the design of other dwellings within the street scene, which have pitched roofs with gables.
13. The appellant draws attention to other nearby extensions by way of comparison. Nos 16 and 22 Bradford Way have upper floor side extensions, but these are of a simple design with a single form of roof profile. By contrast, the appeal proposal involves both hipped and flat-roofed elements directly next to each other. These would present a complex and contrived roof profile, which combined with the existing gable end, would result in an incongruous and incoherent built form. This would be particularly apparent from the public realm to the west where the extension would contrast unfavourably with the simpler built forms in the immediate street scene.

14. There are some examples of modest dormer windows to nearby dwellings, but these are not comparable to the effects of the proposed extension. Other examples referred to are not part of the same street scene and, in any case, I have considered the appeal proposal on its merits and found that it would have the harmful effects described.
15. Therefore, for these reasons, I conclude that the flat-roofed element of the first floor side extension would have an unacceptably harmful effect on the character and appearance of the host dwelling and the surrounding area. Consequently, it is contrary to Policy HQ1 of the Local Plan, which requires that all developments are of the highest possible quality and respond positively to their context.

Conclusion

16. For the reasons given with regard to the second main issue the appeal is dismissed.

J Bell-Williamson

INSPECTOR