



Appeal Decision

Site visit made on 9 May 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th June 2025

Appeal Ref: APP/K0235/W/24/3356951

The Marbrook Centre, Phoenix Park, Wyboston, Bedford PE19 8EP

- 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 Signia Developments Ltd against the decision of Bedford Borough Council.
 - The application Ref is 24/01238/FUL.
 - The development proposed is the erection of two, three storey extensions to the rear wings of the existing building to create eight new units.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon the living conditions of existing occupiers with particular reference to light and outlook.

Reasons

Sunlight and daylight

3. The proposal would result in two three-storey extensions being erected at the corners of an existing building which, it is stated, provides dementia, neuro-rehabilitation and complex nursing care to its residents.
4. In relation to daylight and sunlight, the scope of the dispute is focused on the effect that one of the extensions would have upon two existing rooms. These are two bedrooms identified as Ground Floor Room 11 ('Room 11') and Second Floor Room 12 ('Room 12') on the provided plans. Rooms 11 and 12 are both served by single windows (Windows 15 and 53 respectively).
5. Building Research Establishment guidance¹ ('BRE guidance') indicates that bedrooms are not normally rooms which would be subject to the standards set out for other room types, such as dining rooms or living rooms. However, this is only where bedrooms do not form main living space. In the case of the proposal, given the nature of the current care home operation, it is reasonable to expect that residents may spend more time in bedrooms that perhaps might normally be expected, and I saw on my visit that although some residents were making use of communal spaces, this was not always the case. The appellant has highlighted that residents are encouraged to make use of dayrooms and other communal spaces, however, as I saw, this may not always occur or be possible. It is therefore reasonable to apply the BRE Guidance to Rooms 11 and 12 in this instance.

¹ Site Layout Planning for Daylight and Sunlight: a guide to good practice (BRE: 2022)

6. I acknowledge that the Daylight Distribution levels would remain high, and that Vertical Sky Components would remain at or around the normally accepted levels. However, the level of sunlight to these rooms would be significantly affected by the proposal. In the case of Window 15, 29% of total sunlight hours would be lost, with a 10% loss in winter, bringing the total hours to 19% in total and 2% in winter. BRE Guidance states that windows should normally achieve at least 25% in total, and at least 5% in winter. Furthermore, the level of loss would be greater than the 4% advised, and at a ratio of less than 0.8.
7. Window 53 would receive 33% total sunlight hours and 2% in winter. While the level of total sunlight hours would remain within acceptable limits, the winter hours would not, and in both instances the level of reduction, of 18% and 14% respectively would exceed stated BRE Guidance.
8. BRE Guidance is advisory, it is not planning policy and is not mandatory. It should also be interpreted flexibly. Paragraph 130 of the National Planning Policy Framework ('the Framework') states decision makers should take a flexible approach to policies and guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of the site, providing that the resulting scheme would provide acceptable living standards.
9. The evidence indicates that at the very least, that the effect on the living conditions of Rooms 11 and 12 would be noticeably harmful, as the respective losses in sunlight hours, both in total and during the winter, would exceed the recommended maximum by some distance. The sunlight hours available to occupiers of these rooms throughout the year would also fall below the normal minimums, again by some distance.
10. These rooms, although performing acceptably in terms of daylight distribution and vertical sky component, would nevertheless, be noticeably darker than at present. It is clear that in the winter in particular, that the total sunlight hours would be unacceptably low. Overall, even when interpreting the BRE guidance on a flexible basis, it is likely that these rooms would feel overshadowed and gloomy, to the detriment of the living conditions of occupiers of them.
11. The proposal would lead to harm to living conditions of existing occupiers with particular reference to the availability of light. It would conflict with Policy 32 of the Bedford Borough Local Plan ('BBLP') which requires that in considering proposals, that attention should be given to factors which might give rise to disturbance to neighbours.

Outlook

12. The proposal would result in two large structures being located close to existing windows in the western elevation, and would be visible from them. However, despite the three-storey nature and projection of the extensions, the otherwise open aspect of the site means that significant levels of outlook would remain for occupiers of these rooms.
13. The fact that the proposal would not present windows to the existing elevation would not increase the effect upon the levels of outlook, as this would be dictated by the physical bulk and scale of the extensions, rather than the permeability of any particular elevation, especially as it is probable that if windows were present, they

would provide outlook only into another internal area, as opposed to views through the building towards an open aspect beyond.

14. Moreover, the relationship between the proposal and the relevant windows would be comparable to similar relationships evident in rooms overlooking the internal courtyard, where substantial elements of the building are located close to existing windows.
15. Overall, the proposal would not unacceptably harm the living conditions of existing occupiers with particular reference to outlook. The proposal would accord with BBLP Policy 32, the requirements of which I have set out above, in this respect.

Planning Balance and Conclusion

16. The Council cannot currently demonstrate a five-year supply of suitable housing sites. I am therefore taken to Paragraph 11 of the Framework, which states that planning permission should be granted unless the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.
17. I have found that the proposal would lead to unacceptable living conditions for existing occupiers with regard to levels of sunlight. It would conflict with the development plan as a whole, and I afford this harm and the resultant conflict with the development plan significant weight.
18. I have had regard to Paragraph 130 of the Framework, however although it states that daylight and sunlight guidance should be approached flexibly, this is caveated on the basis that the resultant scheme would provide acceptable living standards, which would not be the case in this instance.
19. The proposal would provide 8 additional rooms to the existing facility. It is stated that the Marbrook Centre has won numerous awards and has assisted numerous patients to rehabilitate. Although I have not been presented with specific figures in relation to quantitative need for this type of accommodation, I am cognisant of the provided emails from National Health Service representatives which highlight both a need for additional facilities and the value of the services which are currently provided. I have no reason to doubt that the Marbrook Centre makes an important contribution to specialist and rehabilitation care in the area, and that this would be further enhanced by the proposal. This weighs heavily in favour of the proposal.
20. The stated housing land supply position of around 3.4 years represents a notable level of undersupply. The Framework highlights that there is a need for the supply to provide for all types of housing, and the proposal would make a contribution towards this, in a location with access to shops and services. However, the level of overall contribution that it would make would depend on a number of factors, including whether it would result in the release of other existing forms of housing back into the market, and I have been provided with little substantive evidence in this regard. Regardless, the boost to the housing supply would be unlikely to be any more than modest, and I afford this factor moderate weight as a result.
21. The proposal would also represent the efficient use of a previously-developed site, and there would be longer-term economic benefits, as well shorter term benefits during construction. These are further factors which weigh in favour of the proposal.
22. However, when taken together, these benefits would be significantly and demonstrably outweighed by the harm that I have identified. Therefore, I conclude

that the proposal would conflict with the development plan as a whole, and there are no material considerations, including the Framework, that would outweigh that conflict. Accordingly, the appeal is dismissed.

C Harding

INSPECTOR