



Appeal Decision

Site visit made on 9 September 2025

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 06 October 2025

Appeal Ref: APP/K0235/W/25/3368279

16 Vicars Close, Biddenham, Bedford MK40 4BG

- 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 C James against the decision of Bedford Borough Council.
 - The application Ref is 24/02272/FUL.
 - The development proposed is described as 'Construction of 5-bed residential dwelling and all ancillary works.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A site context plan has been submitted with the appeal. This is for illustrative purposes only and does not propose any amendments. Both main parties have referred to this drawing in their evidence and I do not consider that any party would be unfairly prejudiced by me accepting it.

Background and Main Issues

3. Planning permission ref: 24/01658/FUL was previously granted on a larger area of land, that contained 2 plots, including the appeal site, for two detached dwellings, in March 2025. At the time of my visit security fencing had been erected around this land, and it had been cleared in preparation for development. The appeal scheme effectively proposes a change in the size, scale and design of one of the previously approved dwellings, on plot one, of this extant permission.
4. The main issues are:
 - The effect of the proposed development on the living conditions of existing and future neighbouring occupiers, with particular regard to privacy; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Living conditions

5. The proposal would incorporate first floor rear balcony areas to both of its wings. Whilst these would be principally orientated to face down towards the rear garden of the appeal property, their design and proximity to the shared boundaries are such that anyone sitting or standing on the balconies would be afforded direct views of

the rear garden areas of 14 Vicars Close and the dwelling on plot 2, which was approved under 24/01658/FUL.

6. The overlooking impact on No 14 would be compounded by the position and proximity of its patio doors, paved areas and pergola to the shared boundary with the appeal site, which would be the areas of the garden that would most likely be used for sitting out.
7. A degree of mutual overlooking of garden areas is a common feature in most residential areas and I am aware that the Council has no objections to the principle of rear balconies. However, overlooking from a balcony or terrace area is of a different character than from within a room as the presence of people outside has a much more intrusive feel. When the close distance to the shared boundaries is taken together with the intrusive character of overlooking that would, likely occur or have the potential to occur, the result would be an unacceptable loss of privacy to the residents of No 14 and the future occupiers of the approved dwelling on plot 2.
8. The willingness to accept a suitably worded planning condition for the submission and approval of privacy screens is noted. However, I have not been provided with any details of these screens so am unable to be certain that they would mitigate the harm identified or not cause further harm to the design of the proposal or the living conditions of future residents of the proposed development in respect of outlook and light.
9. I have also been referred to the presence of other rear balconies on existing and approved large, detached dwellings nearby. Nonetheless, the submitted plans show their orientation and relationships with adjacent neighbouring properties to not be comparable to those of the appeal proposal and No 14 and the approved dwelling on plot 2. This is because there is an expanse of land between No 12 and 12A and they are not set out in a linear manner, with No 12 set back and angled away from neighbouring properties to the east. Any potential overlooking to the opposite sides of these 2 properties is also mitigated by the amount of separation from those shared neighbouring boundaries and screening that is provided by their intervening and projecting first floor rear elements. Although No 20 would have balconies to both sides of its rear elevation, it would also be in an angled position and set significantly further away from the shared boundary with the approved dwelling on plot 2 than the proposed dwelling.
10. I therefore find that the proposed development would have an unacceptably harmful effect on the living conditions of existing and future neighbouring occupiers arising from a significant loss of privacy. It would thereby conflict with Policy 32 of the Bedford Borough Council Local Plan 2030 (2020) (Local Plan). Amongst other things, this requires factors which might give rise to disturbance to neighbours and the surrounding community, including overlooking, to be given particular attention. In addition, conflict would arise with the design advice contained within paragraph 135 of the National Planning Policy Framework (the Framework), insofar as it requires a high standard of amenity for existing and future users.

Character and appearance

11. The appeal site is a roughly rectangular shaped piece of land that sits at the end of a residential cul-de-sac. Vicars Close is predominantly characterised by a mixture of large dwellings of various ages, styles and fenestration details that sit within generous plots, and are in the main, set well back and behind grass verges,

hedgerows, shrubbery and mature trees. All of these factors contribute towards its spacious semi-rural character.

12. Whilst the side boundaries of the appeal site slightly taper inwards toward the proposed dwelling from Vicars Close it is not dissimilar in size and shape to other adjacent plots. The submitted plans also show the proposed dwelling to have 2 one and a half storey wings to either side of it. However, the distance between these wings and the gable elevations of No 14 and the approved dwelling on plot 2 would not be dissimilar to the gap found between the neighbouring properties at No 12A and No 14.
13. The 2 proposed wings would be set back approximately 2.2 metres from the frontage of the main body of the dwelling and would have lower roof ridge heights than the main roof. They would also only be marginally taller than No 14's one and a half storey side garage element and the approved wing on plot 2 and would not disrupt the building line along this part of Vicars Close. In addition, their jerkinhead roof forms, would further help reduce the overall scale and massing of the proposed development and allow for visual gaps in between properties at first floor level.
14. On my site visit I also saw several front dormers within Vicars Close, and I am aware that the approved neighbouring dwellings also have these features. Whilst they may be larger than these, both proposed front dormers would be centrally positioned, noticeably set back from the ridge and eaves and set in from the hips of the respective wings' roofs. Their approximate 1.4 metre projection would inevitably add bulk to these elements of the proposal, particularly when seen from the side. Nonetheless, given their set back from the main bulk of the building, this would not be to an unacceptable degree. Nor would they appear conspicuous in the context of the diverse properties and front dormers in the near vicinity. Both main parties also agree that any concerns in respect of the materials could be addressed via an appropriately worded planning condition, and I have no reason to disagree.
15. Furthermore, the overall height of the proposed dwelling would be below that of all of the existing and approved dwellings on this stretch and side of the cul-de-sac. Although it would be approximately 3 metres deeper than No 14, all of the factors above, along with the substantial size of the plot, and the generous set back from Vicars Close, would combine to ensure that the proposed dwelling would not appear overly dominant and bulky, or upset the rhythm of the built development on this side of the cul-de-sac. Accordingly, I am satisfied that the proposed dwelling would sit comfortably within the site and maintain an acceptable sense of spaciousness.
16. The size, design and appearance of the proposed first floor rear bi-folding doors would be similar to those proposed at ground floor level and would not disrupt the balance of this elevation. I appreciate that these would be different to the openings proposed in the facade and that views of them would be afforded from the nearby public footpath. However, the varied style, fenestration and proportions along the cul-de-sac are such, along with those to the rear of the approved dwelling at No 20, that they would not provide a discernibly irregular rhythm of openings that would detract from the character and appearance of the locality in these respects.
17. Overall, I therefore find that the increase in the scale, bulk and massing of the proposed development and the change in fenestration from that previously approved under 24/01658/FUL would not be so substantial as to cause harm to the character and appearance of the area. As such, it would not conflict with Policies

28S, 29, and 30 of the Local Plan. Amongst other matters, these require development to have a positive relationship with the surrounding area, to integrate well with and complement the character of the area in which it is located, and to be sensitively designed. The proposal would also accord with the design objectives of the Framework, as advised in Section 12.

Planning Balance

18. The Council accepts that it is unable to demonstrate a 5 year deliverable supply of housing land. Consequently, Paragraph 11 d) ii of the Framework is engaged, and planning permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole.
19. I have found that the proposed development would cause unacceptable harm to the living conditions of the neighbouring occupiers of No 14 and the future occupiers of plot 2 of extant permission 24/01658/FUL. This harm would be long lasting and would be contrary to the objectives within paragraph 135 of the Framework. I therefore ascribe this matter substantial weight. My findings in respect of character and appearance would amount to a lack of harm and would thus be neutral in any balancing exercise.
20. As the proposed development is for one dwelling, on part of a site that has an extant permission for 2 dwellings, there would be no net increase in housing supply. Any economic, social and environmental benefits would therefore be somewhat limited. Accordingly, and bringing matters together, the adverse impacts of granting planning permission would, in this particular case, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.

Conclusion

21. For the reasons given above, the proposed development conflicts with the development plan and that conflict is not outweighed by other material considerations. Therefore, the appeal is dismissed.

Mark Caine

INSPECTOR