



Appeal Decision

Site visit made on 10 December 2025

by **S A Hanson BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th December 2025

Appeal Ref: APP/P0240/C/25/3369297

1 All Saints Road, Houghton Regis, Dunstable LU5 5HJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Mihaita Neculai Virlan against an enforcement notice issued by Central Bedfordshire Council.
 - The notice was issued on 20 June 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised erection of a detached single storey timber outbuilding to rear garden in the approximate location shown shaded on the attached site location plan.
 - The requirements of the notice are to:
 1. Demolish the detached single storey timber outbuilding or
 2. Reduce the overall height of the detached single storey timber outbuilding including the chimney to 2.5 meters to require with the requirement of the General Permitted Development Order.
 - The period for compliance with the requirements is 3 (three) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the erection of a detached single storey timber outbuilding at 1 All Saints Road, Houghton Regis, Dunstable LU5 5HJ, as shown on the plan attached to the notice.

Ground (a) and the Deemed Planning Application

Main Issues

2. The appeal made on ground (a) is that planning permission ought to be granted in respect of the breach of planning control alleged in the enforcement notice. The main issues are the effect of the development on the character and appearance of the area in terms of the scale and design of the outbuilding, and its impact on the living conditions of occupiers of neighbouring properties.

Reasons

3. The appeal relates to an unauthorised timber domestic outbuilding constructed in the rear garden of an end-of-terrace dwellinghouse. The building has an asymmetrical dual pitch roof with a shallow slope finished in green felt shingles. A chimney projects through the rear roof slope and extends slightly above the ridge. While the structure is taller than most other outbuildings in the immediate locality and spans the full width of the plot, abutting the common boundaries to the rear

and on both sides, its ridge height of approximately 2.8 metres remains modest in the context of the host dwelling and surrounding development.

4. Around one-third of the building is fully enclosed and used for domestic storage, with a long, narrow window on the front elevation facing the host dwelling to provide natural light. The remaining section is largely open-fronted, with horizontal timber cladding to the lower part on either side of the entrance. Its use is incidental to the enjoyment of the dwellinghouse and does not introduce any activity that would be out of character for a residential garden setting.
5. Although the outbuilding is larger than most others nearby, its design is proportionate and well-considered. It sits comfortably within its plot, leaving adequate space between it and the dwelling, and maintains the domestic character of the property. The materials and form are consistent with typical garden structures, and the shallow roof profile reduces visual bulk.
6. While the building is visible from neighbouring properties due to low-level boundary fences, this visibility does not equate to harm. The structure integrates with the established pattern of garden development and does not disrupt the overall character or appearance of the area. On balance, the development demonstrates a satisfactory standard of design and responds positively to its context.
7. During my site visit, I viewed the development from ground level and from the upper floor of the dwelling. I observed that most gardens in the area contain sheds or outbuildings, and there are structures to each side and to the rear of the appeal building. The layout of neighbouring streets means the rear garden of the appeal property shares boundaries with six other dwellings, and the gardens are relatively short, placing the outbuilding close to several properties.
8. However, proximity alone does not amount to harm. There is no evidence of any loss of privacy, and given the modest height and open-fronted design, the outbuilding is unlikely to cause a material reduction in daylight to neighbouring homes. Its scale and position do not result in an overbearing impact or create an oppressive sense of enclosure. The development therefore preserves the reasonable living conditions of neighbouring occupiers.
9. Taking all matters into account, the development does not cause demonstrable harm to the character and appearance of the area or to the living conditions of neighbouring occupiers. For the above reasons, I find that the development accords with Policy HQ1 of the Central Bedfordshire Local Plan 2015-2035, Section 12 of the National Planning Policy Framework and the Central Bedfordshire Design Guide. These collectively seek to ensure that development is of high quality, responds positively to its context, and avoids unacceptable adverse impacts upon nearby existing or permitted uses, including impacts on amenity.

Conditions

10. The council has not suggested any conditions. As the development is complete, and given the Council's reasons for issuing the notice, I consider that there is no clear justification to impose any at this stage.

Conclusion

11. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The enforcement notice will be quashed.
12. In these circumstances the appeal on grounds (f) and (g) do not fall to be considered.

SA Hanson

INSPECTOR