
Appeal Decision

Site visit made on 27 September 2016

by Lesley Coffey BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 November 2016

Appeal Ref: APP/K0235/W/16/3155095
239 Cardington Road, Bedford MK42 0DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ravi Anand & Mr Neil Anand against the decision of Bedford Borough Council.
 - The application Ref 15/01787/OUT, dated 27 July 2015, was refused by notice dated 25 January 2016.
 - The development proposed is up to six dwellings and retention of existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural/Preliminary Matters

2. The proposal is an outline application with all matters reserved for subsequent approval. The appellant submitted a plan showing how the development might be accommodated. Although this plan is for illustrative purposes only and there could be alternative layouts for the site, it nevertheless provides a useful guide when considering the proposal before me.
3. I am aware that there have been two previous appeals in relation to this site¹. Whilst these are material considerations in respect of this appeal, the current scheme differs from these earlier proposals and I have assessed it on its merits.
4. During the course of the application the appellant submitted an amended layout with a reduced number of dwellings. However, the scheme was not formally amended and the Council determined the application on the basis of the scheme as originally submitted.

Main Issues

5. I consider the main issues to be:
 - The effect of the proposal on the character and appearance of the surrounding area; and
 - The effect of the proposal on the living conditions of the surrounding occupants with particular reference to noise and disturbance, loss of light and visual dominance.

¹ APP/W0205/A/06/2027243 & APP/K0235/A/14/2214973

Reasons

6. The development plan includes the Allocations & Designations Plan (adopted 2013), the Core Strategy and Rural Issues Plan (adopted 2008), and the saved policies of the Bedford Borough Local Plan (adopted 2002).
7. Policy AD1 of the Allocations & Designations Plan 2013 reflects the presumption in favour of sustainable development with the National Planning Policy Framework (NPPF). Although the Local Plan and Core Strategy predate the publication of the NPPF, paragraph 215 of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.
8. Policy H38 of the Local Plan sets out the circumstances where the development of garden land will be permitted. Amongst other matters these include where the proposal is acceptable in terms of its impact on residential amenity, the character of the area, makes satisfactory provision for parking and access, and provides adequate separation from surrounding uses or buildings. NPPF paragraph 53 states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. I consider policy H38 to be consistent with the NPPF and afford it full weight.
9. Core Strategy policy 21 and Local Plan policies BE29 and BE30 generally require proposals to be of a high quality design, relate satisfactorily to local context and distinctiveness and safeguard residential amenity. I consider these policies to be consistent with the NPPF and afford them significant weight.

Character and Appearance

10. The appeal site is about 0.28 hectares in area, it is rectangular in shape and extends to the rear of the dwellings at Alamein Avenue. It is about 25 metres in width and is relatively narrow by comparison with its depth. It is currently occupied by a single semi-detached house which is located towards the centre of the site.
11. Many of the dwellings within the surrounding area, including Mareth Road, and Alamein Avenue are similar in appearance. They comprise two storey semi-detached dwellings, many arranged around communal lawns. The dwellings are generally separated from the public highway by low brick walls and hedges. These elements combine to give the area a spacious suburban character. The wider area includes numerous cul de sac developments.
12. The dwellings to the west of the appeal site are similar in character and appearance to those in Mareth Road and Alamein Avenue and a wide grass verge separates these dwellings from the carriageway. The appeal site and the properties immediately to the east of it extend forwards of the boundary line established by the dwellings to the west. The front boundaries are more informal in appearance, and in the case of the appeal site marked by trees and vegetation.
13. It is proposed to retain the existing dwelling, and erect 6 additional dwellings. The illustrative layout shows two dwellings located towards the front of the site, with a further 3 towards the rear. A further dwelling would adjoin the existing dwelling on the site.

14. Due to the narrow width of the site, I agree with the Council, that the proposal would be likely to take the form of tandem development. Whilst such an approach would differ from the layout of the surrounding area, due to the distance the appeal property is set back from Cardington Road and the screening provided by the trees to the front of the site, it is relatively self-contained. Therefore, I do not consider tandem development to be intrinsically harmful to the character or appearance of the surrounding area.
15. The illustrative plan shows the two properties at the front set back from the Cardington Road frontage. These broadly align with the neighbouring properties. The relationship between these dwellings and the existing dwelling would be similar to that between 243 and 241 Cardington Road and would be compatible with the character of the surrounding area.
16. In order to develop the rear part of the site and meet the requirements of the Highway Authority, it is probable that a long access road and two turning areas will be required. These areas would be likely to occupy a considerable proportion of the site and in the light of the limited space available for landscaping would dominate its appearance. These elements would result in an urban appearance that would contrast unfavourably with the suburban character of the locality. Whilst it may be possible to design these areas in a manner that would be more compatible with the character of the locality, the illustrative plan provides insufficient information for me to be able to conclude that the site could accommodate six additional houses, together with the necessary parking and turning areas, whilst delivering the high quality design sought by development plan policies and the NPPF.
17. I therefore conclude that the proposal would harm the character and appearance of the surrounding area and would fail to comply with Core Strategy policy 21 and Local Plan policies BE29, BE30 and H38.

Living Conditions

18. The six additional dwellings proposed would significantly increase the number of vehicle movements on the site. Whilst the access is a reserved matter, due to the narrow width of the plot, the options for an alternative alignment to that shown on the illustrative plan are limited. The access road would extend adjacent to the flank boundary with 237 Cardington Road, and the rear boundaries of 24 and 26 Mareth Road. The turning heads/parking areas would extend up to the rear boundary of 39 and 44 Goodmayes Close and the front of 241 Cardington Road.
19. The additional vehicles associated with the proposed dwellings would be likely to pass very close to these dwellings and would introduce noise into an area that is currently tranquil. Due to the limited depth of the gardens, and in particular the distance of the dwellings at Mareth Road from the boundary, I consider that the noise and disturbance arising from the use of the access road would be likely to disturb the surrounding residents, particularly when manoeuvring late at night and early in the morning.
20. The proposed dwellings would be located close to the rear boundary to 44 Goodmayes Close and 26 Mareth Road, and would be separated from the rear of 24 Mareth Road by the proposed access road. The dwellings at 22-28 Mareth Road form single terrace with very shallow but wide gardens. At the present time there are a number of trees adjacent to the boundary with 24 and

26 Mareth Road. Whilst these could mitigate views of the proposed dwellings to some extent, the proposed road extends close to this boundary. There is insufficient information to convince me that the necessary access, together with any services, could be provided without significant harm to these trees. Due to the limited depth of the gardens, I consider that should these trees be removed the proposed dwellings would have an overbearing impact on the outlook of the occupants of these dwellings. The proposed dwellings towards the rear of the site would also be likely to significantly reduce the sunlight received in the rear garden of 26.

21. The entire rear boundary to 24 Mareth Road and much of the rear boundary to 26 would either adjoin the proposed access road and/or be in close proximity to the flank elevation of the proposed dwelling. I consider that the visual prominence of the proposed dwellings together with the noise and disturbance from the access road the proposal would significantly harm the living conditions of the occupants of 22-28 Mareth Road.
22. The proposed dwellings would also extend close to the boundary with 44 Goodmayes Close and would occupy almost the entire width of the boundary to the garden and would unreasonably dominate views from within the garden and dwelling.
23. I therefore conclude that the proposal would unacceptably harm the living conditions of surrounding residents and would fail to comply with Core Strategy policy 21 and Local Plan policies BE29, BE30 and H38.

Other Matters

24. The appellants describe the proposal as a 'lighter' application by comparison with the previous schemes. They suggest that since it is an outline scheme it should be possible to address the Council's concerns at the time of a reserved matters application. The appeal site is a challenging site to develop due to its width and its relationship with the surrounding dwellings. Insufficient information has been submitted to persuade me that the appeal site could satisfactorily accommodate the number of dwellings proposed without harm to the character and appearance of the area and the living conditions of neighbours. Therefore I am not persuaded that my concerns above could be satisfactorily addressed in the context of a reserved matters application.
25. Although the submissions made by the Council are similar to those made at the time of the previous appeals, the issues raised by this appeal are also similar. Notwithstanding this, I recognise that the current proposal differs from the previous schemes and my conclusions above relate to the current appeal proposal.
26. I am aware that various consultees, including the tree officer and the highways officer, were satisfied that their relevant concerns could be satisfactorily addressed by way of planning conditions. However the comments from these individuals related to their specific area of responsibility, and not the appeal proposal as a whole. Whilst the comments submitted at the time of the application are relevant material considerations, for the reasons given above, they do not justify the harm that would arise from the proposal.
27. The proposal would deliver benefits in terms of the provision of six additional houses and would contribute towards the social role of sustainability. It would

also deliver some economic benefits both during the construction period and through a modest increase in local spending. The Council accept that the appeal site is conveniently located for a range of services. However, due to the harm to the character and appearance of the area and the living conditions of surrounding residents it would not be sustainable development. The proposal would fail to comply with the development plan as a whole, and these other considerations do not outweigh the harm identified above.

Conclusion

28. For the reasons given above I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR